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**ARTICLE I.**

**AUTHORITY AND ENACTMENT**

**Sec. 17-1. Authority to establish zoning.**

Whereas, by act of the General Assembly of Virginia as recorded in title 15.1, chapter 11, article 8,

sections 15.1-486 through 15.1-498, Code of Virginia, 1950, as amended, the governing body of any county or municipality may, by ordinance, classify the territory under its jurisdiction into districts of such number, shape, and size as it may deem best suited to carry out the purpose of zoning, and in each district it may regulate the following:

- (a) The use of land, buildings, structures, and other premises for agricultural, business industrial, residential, floodplain, and other specific uses.
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures.
- (c) The areas and dimensions of land, water and air space to be occupied by buildings, structures, and of courts, yards, and other open spaces to be left unoccupied by uses or structures, including variations in the sizes of lots, based on whether a public or community water supply or sewer system is available and in use.
- (d) The excavation or mining of soil or other natural resources.

(P.C. Ord. No. 84-5, § 101.00, 10-10-84)

#### **Sec. 17-2. Enactment.**

Therefore, be it ordained by the board of supervisors of Rockingham County, Virginia, for the purpose of promoting health, safety, or general welfare of the public and of further accomplishing the objectives of section 15.1-427 and title 15.1, chapter 11, article 8, Code of Virginia, 1950, as amended, that the following be adopted as the zoning ordinance of Rockingham County, Virginia.

(P.C. Ord. No. 84-5, § 102.00, 10-10-84)

### **ARTICLE II.**

#### **PURPOSE OF THE REGULATIONS**

#### **Sec. 17-3. Purpose.**

The Rockingham County planning commission and the board of supervisors have undertaken to achieve the delicate balance between the individual property rights of the citizens and the health, safety, and general welfare of the public and accomplish the objects of section 15.1-427 Code of Virginia, 1950, as amended, by reasonable restrictions on those property rights. The purposes of this chapter are:

- (a) To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- (b) To reduce or prevent congestion in the public streets.
- (c) To facilitate the creation of a convenient attractive and harmonious community.
- (d) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil



defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements.

- (e) To protect against destruction of or encroachment upon historic areas.
- (f) To protect against one (1) or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.
- (g) To encourage economic development activities that provide desirable employment and enlarge the tax base.
- (h) To provide for the preservation of agricultural and forestal lands.

(P.C. Ord. No. 84-5, § 201.00, 10-10-84)

#### **Sec. 17-4. Nonexclusionary intent.**

It is not the intent of this chapter to exclude any economic, racial, religious, or ethnic group from enjoyment of residence, land ownership, or tenancy within Rockingham County; nor is it the intent of this chapter to use public powers in any way to promote the separation within Rockingham County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purposes outlined in this article; nor is it the intent to attempt to regulate state owned or federally owned land.

(P.C. Ord. No. 84-5, § 202.00, 10-10-84)

### **ARTICLE III.**

#### **DEFINITION OF TERMS**

#### **Sec. 17-5. General.**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The masculine gender includes the feminine and neuter genders. The word "person" includes a firm, corporation (including municipal corporation), association, organization, trust or partnership. The word "lot" includes "structures." The word "shall" is always mandatory. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

(P.C. Ord. No. 84-5, § 202.00, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-6. Specific definitions.**

When used in this chapter, the following words and phrases shall have the meaning given in this section:

*Accessory use, building or structure.* A subordinate use or structure incidental to and located upon the same lot occupied by the main use, building or structure. Includes prefabricated buildings, whether or not

located on permanent foundations. Any building or structure over five hundred eighty (580) square feet shall meet main building setbacks except that swimming pools shall be required to meet the minimum five foot setback.

*Acreage.* A parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

*Adjacent.* Nearby, but not necessarily touching.

*Adjoining.* Touching; abutting; contiguous.

*Administrator, the.* The official charged with the enforcement of this chapter who shall be appointed in accordance with article 1.1 of section 111 of the personnel management system for the county or the otherwise designated representative or agent shall include the phrase of zoning administrator.

*Agriculture.* The production, for commercial purposes, of animals as defined in animal husbandry, the tilling of the soil, the raising of crops, and, horticulture, but not including fruit packing plants and greenhouses.

*Airport, heliport, or flight strip.* A place where aircraft may take off or land, discharge or receive cargoes and/or passengers, be repaired, take on fuel, or be stored.

*Alteration.* Any change in the total floor area or use of an existing structure.

*Alternative telecommunications structure.* Buildings, clock towers, bell steeples, electric poles, utility poles, water storage tanks, and other similar alternative-design mounting structures that are used for the purpose of supporting and obscuring the presence of antennas.

*Animal, domestic.* Those animals as defined in animal husbandry, but kept only for personal use or casual sales, and are limited to one (1) animal unit per acre, not to exceed four (4) animal units.

*Animal hospital.* A building or premises for the medical treatment of animals.

*Animal husbandry.* The production of animals for commercial purposes in the Commonwealth of Virginia such as cattle, sheep, goats, llamas, poultry, ducks, geese, horses and hogs. This definition includes animals in dairy operations but does not include animals in commercial stables, poultry houses, animal hospitals, animal shelters, kennels, the raising of fur-bearing animals, livestock sales pavilions, hog operations, or game farm.

*Animal shelter.* A place providing temporary accommodations and/or disposal of household pets which are stray or not wanted by their owner.

*Animal unit.* For the purpose of this chapter, the following equal one (1) animal unit: one (1) head of beef or slaughter cattle, one (1) dairy cow, two (2) calves less than one (1) year old, one (1) buffalo, two (2) llamas, two (2) horses, two (2) mules, five (5) sheep, five (5) goats, two (2) swine, three hundred (300) chickens or ducks, fifty-five (55) turkeys or geese, or three (3) ostriches.

*Antenna.* Any exterior apparatus designed for telephonic, radio, or television communications through the sending, or receiving or both of electromagnetic waves.

*Apartment.* A room or suite of rooms in a multifamily dwelling intended for use as a residence by a single family.

*Aquaculture.* The regulation and cultivation of water plants, fish, and other marine life for human use or consumption.

*Arbitrary.* Fixed or arrived at through an exercise of will or by caprice, without consideration or adjustment with reference to principles, circumstances, or significance, or given to making decisions thus; decisive but unreasoned.

*Area.* Synonymous with the word "tract," which is a piece of land capable of being described with such definitiveness that its location may be established and boundaries definitely ascertained.

*Art gallery.* A building used for the exhibition and/or sale of art and art works.

*Assembly hall.* Any structure used for the gathering of persons including an armory, stadium, coliseum or civic center (not including theaters).

*Assisted living facility.* A licensed facility providing assisted living care for physically handicapped, mentally ill, mentally retarded, disabled, and/or elderly persons.

*Auction house.* An establishment, excluding community centers and publicly owned property, used for the public sale of property (excluding livestock) to bidders.

*Auto graveyard.* Any lot or area which is exposed to the weather upon which more than three (3) motor vehicles of any kind, without valid inspection stickers or current county decal, incapable of being operated, are located or found.

*Auto sales lot.* A lot or place arranged, designed, or used for the storage and display for sale of any motor vehicles and where repair work is done within enclosure except minor incidental repair of motor vehicles displayed and sold on the premises.

*Automobile service station.* A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease or other service for operating motor vehicles is offered for sale to the public and deliveries on the premises are made directly into motor vehicles, including greasing and oiling, servicing and replacement of parts such as tires, batteries, engine tune-up and car washing.

*Awning.* A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

*Bank, savings, and loan or other financial office.* Establishment for the custody, loan, exchange, or issue of money, for the extension of credit and for facilitating the transmission of funds.

*Basement.* A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes or for dwelling purposes.

*Beauty or barber shop.* Business establishment for the cutting and dressing of hair, shaving and trimming beards, and performing related services.

*Bicycle, sports equipment, or motorcycle store.* Business establishment for the sale and repair of bicycles, sports equipment, and motorcycles.

*Blacksmith shop.* A commercial place where iron is forged.

*Block.* The lot or lots fronting on the same side of the same street between two (2) streets intersecting such street on such side with no other intersecting street intervening.

*Board.* The board of zoning appeals as established under this chapter.

*Board of supervisors.* The governing body of Rockingham County, Virginia.

*Boarding house operation.* A rooming house or structure designed or intended to be used for residential occupancy on a rental basis, where for compensation and by prearrangement for definite periods, lodging, meals, or lodging and meals are provided for at least five (5) and up to fourteen (14) persons. A boarding house may also include the dwelling unit occupied by the owner or operator.

*Buffer.* Land, usually open space, located to provide separation of the planned commercial district (PCD) and other zoning districts or to provide separation of unlike uses within the PCD. Buffer areas shall not include buildings, parking lots, or other improvements associated with commercial, residential, or active recreational uses.

*Building.* Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels.

*Building code.* The Virginia Uniform Statewide Building Code as adopted by the board of supervisors and as amended.

*Building, height of.* The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof if a flat roof, to the deck line of a mansard roof, or to the mean height level between the eaves and ridge of a gable or gambrel roof. For buildings set back from the road line, the height shall be measured from the average elevation of the ground surface along the front of the building.

*Building official.* The person appointed in accordance with article 1.1 of section 111 of the personnel management system for the county to administer and enforce the provisions of the building code, or the designated representative or agent.

*Building, main.* Any building exceeding five hundred eighty (580) square feet, using outside

dimensions, in total floor area based on exterior dimensions, or any structure used as a residence.

*Campground.* Any plot of ground used, maintained, or held out to the public, wholly, or in part, as temporary living quarters for the accommodation of tents, expandable camp trailers, travel trailers, converted buses or trucks, or such other devices as may be developed and marketed for the camping trade; whether privately or publicly owned; and whether use of such accommodations is granted free of charge or for compensation.

*Car wash.* A building or portion thereof, containing facilities for washing vehicles by hand or by mechanical means.

*Carport.* Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls.

*Catering service.* A building in which food is processed or otherwise prepared for eventual human consumption but is not consumed or sold on the premises.

*Cellar.* A story having more than one-half of its height below grade.

*Cemetery.* Land used for the burial of the dead, and dedicated for cemetery purposes, including columbariums and mausoleums when operated in conjunction and within the boundary of such cemetery.

*Ceramic shop.* Retail store for the making and selling of ceramics, pottery, lawn ornaments and related art forms.

*Child care center.* Any facility operated for the purpose of providing care, protection, and guidance to a group of children separated from their parents or guardians during part of the day only, and meeting the licensing requirements for child care centers under the Code of Virginia, 1950, as amended.

*Church or other house of worship.* A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to conduct public worship.

*Church camp or retreat.* Buildings and land used for camping or retreat by a religious organization.

*Circus, carnival, fair, sideshow, music festival, tent meeting of a temporary nature, flea market.*

*Circus.* A traveling or transportable show or exhibition consisting of performances by persons and animals under one (1) tent or similar structure, with or without other sideshows.

*Carnival.* A traveling or transportable group or aggregation of rides, shows, games or concessions or any combination thereof.

*Fair.* A parcel or tract of land used, either temporarily or permanently (as permitted) for competitive exhibition (as of farm products), public display with or without accompanying entertainment and amusements.

*Sideshow.* A minor show offered in addition to a main exhibition (as of a circus).

*Music festival.* An outdoor musical program of a temporary nature designed for entertainment.

*Tent meeting.* A public assembly of people meeting for a common purpose for a temporary period under a tent.

*Flea market.* A structure or land, excluding community centers and publicly owned property, used at least three (3) times per twelve (12) month period for the purpose of sale of any of the following items or similar items: clothing, housewares, appliances, novelties, antiques, farm implements, animals and furniture.

*Clerk.* The clerk of the Circuit Court of Rockingham County, Virginia.

*Clinic service.* An establishment where human patients who are not lodged overnight are admitted for examination or treatment.

*Club.* Buildings and facilities, owned or operated by a corporation, association, or person for a social, educational, or recreational purpose, to which a membership is required for participation and not operated primarily for a profit nor to render a service which is customarily carried on as a business. May include hunting and fishing clubs, country clubs, and lodges. Night clubs, residential clubhouses and community centers are excluded and defined otherwise herein.

*Commission.* The planning commission of Rockingham County, Virginia.

*Common open space.* An open tract or parcel of land owned in common by the homeowners of planned districts (R-4 or R-5), and used collectively for recreational or aesthetic purposes, but exclusive of nonrecreational common property such as street, parking areas, and utility easements.

*Common property.* All land owned in common by the homeowners of planned districts (R-4 or R-5), including open space, recreational, private streets, parking areas, and other collectively used areas.

*Community center.* A building, together with lawful accessory buildings and used for recreational and cultural activities and not operated for profit inuring to the benefit of individuals. Membership may be restricted to persons living in a specific geographical area.

*Condominiums.* The ownership of a single unit in a multiple unit structure, with common elements in a real estate condominium project; a plan or project whereby four (4) or more apartments, rooms, office spaces, or other units existing or proposed whether the unit involves a single structure, attached to or detached from other units, or is in one (1) or more multiple unit structures, on contiguous parcels of real estate are offered or proposed to be offered for sale.

*Contractor, general or trade.* The office and equipment storage yards of one who is engaged in all or most aspects of building construction and/or land development.

*Contractor, small business.* A general or trade contractor of limited size meeting the following requirements:

1. The minimum lot size requirement for the zoning district in which the business is located shall be met for each main use (i.e. residence and business) on the property to allow for later divisions of land, and there shall be no other businesses located on the parcel.
2. No more than five (5) persons shall be engaged in the operation of the business, including part-time employees and proprietors.
3. No more than five (5) vehicles or pieces of equipment (other than employees' personal vehicles) shall be operated from the site or stored there overnight.
4. Property on which business is located must front on a state maintained road.
5. The area covered by all structures used in connection with such use shall not exceed a total of thirty-five hundred (3,500) square feet and all business, excluding a parking area for vehicles, shall be conducted under roof.
6. There shall be no outside storage except for large contracting equipment, which shall be screened from view.

*Country inn (including bed and breakfast inn).* An establishment where lodging or lodging with meals are provided for a fee, usually by the day or week.

*County administrator.* The chief administrative official of Rockingham County who is appointed by and serves at the pleasure of the board of supervisors.

*Day care home.* A residence in which the occupant provides custodial care on an ongoing regular basis for part of the day to six (6) or more children or aged, infirm, or disabled adults who reside elsewhere and are not children, grandchildren, parents, grandparents, or siblings of the occupant care provider. Children or aged, infirm or disabled adults for whom no more than four (4) hours of continuous care is provided are excluded.

*Director of planning.* The director of planning of Rockingham County appointed in accordance with article 1.1 of section 111 of the personnel management system of the county.

*Director of public works.* The director of public works of Rockingham County appointed in accordance with article 1.1 of section 111 of the personnel management system of the county.

*District.* Districts as referred to in section 15.1-486, Code of Virginia, 1950, as amended.

*Dormitory housing for farm workers.* Any building used for housing seasonal laborers on a temporary basis and not to be used as permanent year-round dwellings.

*Drive-in (eating or drinking facility).* An establishment that provides employee curb service or accommodations through special equipment or facilities for the ordering of food or beverage from a vehicle in

off-street parking.

*Dwelling.* Any building or portion thereof which is designed for or used for residential purposes, except hotels, motels, boarding houses, dormitory housing for farm workers, lodging houses, tourist cabins, or camping trailers.

*Dwelling, existing.* Either of the following:

1. A structure, designed for residential use, which is occupied on the date a completed application for a poultry facility permit is received by the office of the zoning administrator; or
2. A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the five (5) years immediately preceding the date on which a completed application for a poultry facility permit is received by the office of the zoning administrator.

*Dwelling, multifamily.* A building designed for or occupied exclusively by three (3) or more families living independently of each other; the term includes condominiums of similar physical appearance, character, and structure, includes apartment house.

*Dwelling, recreational or seasonal.* Temporary living quarters, not used as a principal residence, that may be occupied on weekends, vacations and for brief periods during the year. This includes, but is not limited to cabins, tents, campers, manufactured homes, or other such devices as may be developed and marketed for the camping trade.

*Dwelling, single-family.* A building designed for or occupied exclusively by one (1) family, including a modular home, but not including a manufactured home.

*Dwelling, single-family with independent living quarters.* A separate living unit located within a single-family dwelling and having direct interior access to the primary living unit.

*Dwelling, two-family (duplex).* A building under one ownership located on a single lot designed for or occupied exclusively by two (2) families living independently of each other.

*Dwelling, two unit attached.* Two (2) single-family dwellings sharing a common wall area, each on its own lot. Each dwelling unit shall be occupied by one (1) family.

*Dwelling unit.* A single unit providing complete, independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement.* A grant by a property owner of the use of land for a specific purpose or purposes by the general public, a corporation, or a certain person or persons.

*Energy product.* For purposes of this chapter, an energy product is defined as electricity, oil, and natural gas.



*Enlargement, or to enlarge.* An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

*FAA.* The Federal Aviation Administration.

*Family.* A single housekeeping unit comprised of the following: One (1) person living alone; two (2) or more persons related by blood, marriage, or adoption; or as many as four (4) unrelated individuals. The above are to be distinguished from a boarding house, lodging house, club, fraternity, tourist home, or hotel.

*Family, immediate.* For the purpose of this ordinance, an immediate family member shall be parent, grandparent, child, grandchild, sibling, aunt or uncle.

*Farm.* A parcel of land consisting of at least six (6) acres on which an active agricultural, horticultural or floricultural operation as defined by this Code is taking place.

*Farm building.* A building or structure located on a farm utilized for either the storage, handling or production of agricultural, horticultural or floricultural products or the sheltering, raising or processing of farm animals as defined in this ordinance as animal husbandry or farm animal products, which products or animals are normally intended for sale to domestic or foreign markets. The term is limited to buildings or structures used for the maintenance, storage or use of farm equipment used on the farm for which the permit is being obtained.

*Farmers market.* A common place where farmers gather regularly for the purpose of selling produce, goods, and crafts produced on their farms.

*FCC.* The Federal Communications Commission.

*Fee simple.* Absolute ownership of real property with unrestricted rights of disposition.

*Floodplain.* An area, usually a relatively flat or lowland area adjoining a river, stream, or watercourse, which can be expected to flood an average of once in one hundred (100) years, or which would have a one (1) percent chance of flooding in any given year. (Also referred to as a 100-year floodplain.)

*Floor area.* The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, but not including any attic space providing headroom of less than seven (7) feet, unusable basement or cellar space not used for retailing, uncovered steps or fire escapes, open porches, accessory water or cooling towers, accessory, off-street parking spaces, and accessory off-street loading spaces.

*Foundation, permanent.* Any footer with a wall that shall meet all the requirements of the Uniform Statewide Building Code.

*Fraternity or sorority house.* A building for lodging or boarding or both or a fraternal-type organization.

*Frontage.* That line of a lot which adjoins a street or right-of-way unless the primary building location

dictates otherwise.

*Fruit packing plant.* A building used for the preparation and process of fruits for shipment or storage and sales.

*Funeral home.* A building used for the preparation of a corpse for burial or the preparation of a corpse for cremation and may also be used for funeral services and cremation.

*Game farm.* The keeping, breeding, or sale of animals commonly found in the wild and hunted, or trapped, for food or sport.

*Garage, private.* A building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is adjacent. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of vehicles for each dwelling unit in accordance with minimum off-street parking requirements.

*Garage, public.* A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping or storing of motor vehicles. However, there shall be no more than five (5) motor vehicles of any kind, incapable of being operated and without valid inspection stickers and there shall be no junked vehicles allowed on the property.

*General country store or convenience store.* A single store, the ground floor area of which is four thousand (4,000) square feet or less and which offers for sale primarily most of the following products: bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale, but only as a secondary activity of a general country store or convenience store.

*Golf course.* Any golf course, publicly or privately owned, on which the game of golf is played, including golf driving ranges and other accessory uses and buildings customary thereto.

*Golf driving range.* A limited area in which golf players do not walk or ride, but onto which they drive golf balls from a central driving tee area, excluding golf courses.

*Governmental, administrative, and service building.* Building or portion of a building used for governmental, administrative, regulatory, service and assistance offices.

*Greenhouse.* A glassed or transparent enclosure used for the protection or cultivation or sale of plants.

*Gross residential area.* All land within the area intended for residential structures, residential streets and parking, recreational and other residential accessory uses, but exclusive of commercial land, major streets serving other development and unusable land such as swamp land.

*Group home.* A licensed community-based care facility for physically handicapped, mentally ill, mentally retarded, other disabled, or elderly persons carried out within a dwelling.

*Guest room.* A room which is intended, arranged, or designed to be occupied by one (1) or more guests

paying direct compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

*Handicapped person.* As determined by a physician or public agency, means any individual having an impairment which is expected to be of continued and indefinite duration, is a substantial impediment of his or her ability to live independently and is of a nature that such ability could be improved by suitable housing conditions.

*Health department.* The Rockingham County health department or its designated agent or representative.

*Height.* When referring to a telecommunications tower or other structure, the distance measured from ground level to the highest point on the telecommunications tower or other structure, even if said highest point is an antenna.

*Heritage center.* Buildings and land used to inform or educate the public about a heritage or culture pertinent to the county. May include eating facilities serving foods related to that heritage and culture and lodging for visitors to the center.

*Highway engineer.* The resident engineer employed by the Virginia Department of Highways and Transportation.

*Hog operation.* An enterprise in which hogs are kept and raised, regularly involving the use or presence of one (1) or both of the following: (a) Two (2) or more acres of nonvegetative land (excluding land used for crops) and used for confined feeding, growing, raising, or birthing of hogs prior to slaughter; or (b) An enclosed confinement structure containing five hundred (500) or more square feet of floor space used primarily for such enterprise;

*Home for adults.* (See Group Home).

*Home occupation or profession.* An accessory use carried on by an occupant of a dwelling unit for gain or support involving the manufacture or sale of goods, or the providing of services, or both.

*Hospital, general.* An institution rendering medical, surgical, or other care, which is licensed as a hospital by the state hospital board.

*Hospital, special care.* A special care hospital shall mean an institution rendering care primarily for mental or feeble-minded patients, epileptics, alcoholics or drug addicts, or a sanatorium for other illnesses.

*Hotel or motel.* A building or buildings designed or occupied as the more or less temporary abiding place for individuals who are, for compensation, lodged with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

*Housing for the elderly and/or physically handicapped.* (See Group Home).

Families of two (2) or more persons, the head of which (or his or her spouse) is sixty-two (62) years of age or over or is handicapped; or

The surviving member or members of any family described in the above paragraph living in a unit within the building with the deceased member of the family at the time of his or her death.

A single person who is sixty-two (62) years of age or over or a non-elderly handicapped person between the ages of eighteen (18) and sixty-two (62) or;

Two (2) or more elderly or handicapped persons living together, or one (1) or more such persons living with another person who is determined by a licensed physician's certificate to be essential to their care or well-being.

*Hybrid system.* An energy system that uses more than one (1) technology to produce energy or work (for example a wind-solar system)

*Industrialized building.* A combination of one (1) or more sections of modules, subject to state regulations and including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. Shall include modular homes, modular office and modular classrooms but shall not include manufactured home or on-frame modular homes.

*Inoperable vehicle.* Any motor vehicle which is not in operating condition or which is missing one of the following: Valid inspection sticker, valid county decal or valid license tags without which it cannot legally be operated on the highway.

*Junked vehicle.* Any motor vehicle which is not in operating condition; or which has been partially or totally disassembled and on which one of the following is missing (or on which the date has been expired for more than forty-five (45) days): Valid inspection sticker, valid county decal or valid license tags.

*Junkyard.* A lot, land or structure, or part thereof, used primarily for the collecting, storage, and sale of wastepaper, rags, scrap metal, or discarded material; or for the collection, dismantling, storage and salvage of machinery or vehicles not in running condition, or for the sale of parts thereof.

*Kennel operation and care.* A place prepared to house, board, breed, handle or otherwise keep or care for domestic animals for sale or housed in return for compensation.

*Laboratory operation, medical, dental, pharmaceutical, research or development.* A building or part of a building devoted to the testing and analysis of any product or animal (including humans) such as for medical or dental purposes. No manufacturing is conducted on the premises except for experimental or testing purposes.

*Land use areas.* Those portions of the project area in an R-4 district showing proposed use of the land, established for master planning purposes and calculation of population density. Also known as "classifications."

*Land use plan.* Rockingham County Comprehensive Land Use Plan as adopted on May 9, 1977, as amended.

*Library.* A place in which books, manuscripts, musical scores, or other literary and artistic materials are kept for use and only incidentally for sale.

*Livestock.* Animals inclusive of but not limited to cattle, horses, sheep, and swine.

*Livestock sales pavilion.* A commercial establishment wherein livestock is collected and auctioned for sale.

*Loading space.* A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks and other carriers.

*Lot.* A measured portion or parcel of land separated from other portions or parcels by description in a site plan or a recorded plat, or by metes and bounds, intended to be a unit for the purpose, whether immediate or future, of transfer of ownership, or of development or separate use. The term applies to units of land whether in a subdivision or a development.

*Lot, corner.* A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shortest of the two (2) sides fronting on streets unless the direction in which the primary building faces dictates otherwise.

*Lot coverage.* The ratio of the horizontally projected area of the main and accessory buildings on a lot to the total area of the lot, except where otherwise defined herein.

*Lot, depth of.* The average horizontal distance between the front and rear lot lines.

*Lot, double frontage.* An interior lot having frontage on two (2) streets.

*Lot, flag.* A lot not meeting minimum frontage requirements and where access to the public road is by a narrow right-of-way or driveway. Also includes pipe stem lots.

*Lot, interior.* Any lot other than a corner lot.

*Lot, width of.* The average horizontal distance between side lot lines.

*Lot of record.* A lot, described by a deed or on a plat which has been recorded in the office of the clerk.

*Machine shop.* A place of service in which metal parts are cut to the size required and/or put together to form mechanical units or machines.

*Main use.* The primary purpose for which land, a building or buildings is used. The principal use of such land or buildings.

*Mall, shopping.* A structure or structures containing business establishments with adjoining parking for vehicular traffic.

*Manufacturing.* The processing or converting of raw unfinished materials or products, or either of them into articles or substances of different character or for use for a different purpose.

*Manufactured home.* A structure subject to federal regulation, which is transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on site, is built on a permanent chassis; is designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to the required utilities; and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. Site preparation, utility connections, skirting installation and maintenance of the manufactured home shall meet the requirements of the Virginia Uniform Statewide Building Code. This definition shall include on-frame modular homes, but shall exclude industrialized buildings, mobile units, recreational vehicles and camping trailers. For the purpose of this chapter, any home constructed prior to 1976, known as a mobile home, shall meet the same requirements as a manufactured home.

*Manufactured home park.* A parcel of land under ownership by a single individual, partnership or corporation on which three (3) or more manufactured homes or on-frame modular homes are located.

*Manufactured home subdivision.* A subdivision designed or intended for the sale of lots for siting manufactured homes or on-frame modular homes.

*Mobile unit.* A structure of vehicular, portable design, built on a chassis and designed to be moved from one site to another, subject to the industrialized building and manufactured home safety regulations and designed to be used without a permanent foundation. Shall include mobile classrooms and temporary office trailers, but shall exclude recreational vehicles or camping trailers.

*Modular, on-frame:* A structure subject to the Uniform Statewide Building Code affixed to a steel frame and transportable in one (1) or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or as three hundred twenty (320) or more square feet erected on site; is designed to be used as a single-family dwelling, with a permanent foundation, when connected to required utilities; and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. This definition shall exclude industrialized buildings, mobile units, recreational vehicles, and camping trailers. This definition shall also exclude modular homes not affixed to a steel or other metal frame.

*Motor home.* A unit which is self-propelled and is designed for human habitation on a short-term basis.

*Monument works.* A place for the carving and working of stone and other materials for the purpose of making burial monuments and similar markers.

*Natural state or natural area.* Land, usually open space, remaining in a natural, predevelopment condition in regard to vegetation and topography, as opposed to landscaping. Natural areas may be used for the preservation of existing trees, streams, etc.

*Net residential area.* All land in private residential lots or sites exclusive of streets, parking areas, common open spaces, commercial, or other nonresidential land.

*Night club.* An establishment which includes, in addition to the serving of food and entertainment, the provision for dancing and sale of legal beverages to the public.

*Nonconforming use of structure.* The use of a building or structure which use does not conform to the

regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to the chapter.

*Nonconforming structure.* A structure either existing at the effective date of this chapter, or as a result of subsequent amendments to this chapter, does not conform to the requirements of this chapter by reason of height or condition, or by reason of its impingement upon required yard area.

*Nonconforming use of land.* A use of land either existing at the effective date of this chapter, or as a result of subsequent amendments to this chapter, which does not conform with the regulations of the use district in which it is located.

*Nursery operation.* Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

*Nursing home.* Any institution or facility meeting the licensing requirements as a nursing home under the Code of Virginia, 1950, as amended, including, but not limited to, nursing homes owned or administered by any agency of the Commonwealth of Virginia or a political subdivision thereof.

*Off-street parking area.* Space provided for vehicular parking outside the dedicated street right-of-way.

*Office use (medically oriented).* A room or building used for offices by a doctor, dentist, osteopath, chiropractor, optometrist, physiotherapist, or other medically oriented profession.

*Office use (other).* A room or building in which a person transacts business or carries on a stated occupation other than medically oriented with no on-premises stock of goods for sale to general public and the operations and services of which are customarily conducted by means of written, verbal, or mechanically reproduced communications material.

*Open space.* A yard area which is not used for or occupied by a driveway, off-street parking, loading space, or refuse storage space unless otherwise specified herein. In the planned residential district (R-5), all land or water areas left in undisturbed open conditions or developed as a landscaped area, in common or private ownership, and unoccupied by habitable buildings, streets or parking areas. This does not include "open area" under division 10, residential planned community district (R-4).

In the planned commercial district (PCD), open space is defined as all land or water areas left in an undisturbed natural state, developed as a landscaped area or developed as an outdoor recreational facility, in common or private ownership. Open space shall not include streets, roads, roadways, parking lots serving other than outdoor recreational facilities, and buildings or structures used for any purpose other than outdoor recreational use, such as picnic shelters or playground equipment.

*Optician service.* A place used for the making of or dealing in optical items and instruments.

*Parcel.* A measured portion of land separate from other portions of land by a metes and bounds description or described as a separate, distinct tract in an instrument of conveyance or devise and recorded with the clerk.

*Parent tract.* The parcel from which a subdivision is made.

*Park, pond, lake, pedestrian trail, walkway, bikeway, playground or bridle path (public or private).* Recreational areas to be used as enumerated in this chapter.

*Pawn shop.* A shop where the keeper loans money on the security of personal property pledged in his keeping.

*Pet.* Any animal that is commonly kept for company or enjoyment within homes in the Commonwealth of Virginia.

*Pet sales.* A shop for the selling of pets excluding kennel activities or outside storage of animals.

*Plat.* The schematic representation of land divided or to be divided, prepared by a surveyor licensed by the commonwealth. When used as a verb, "plat" is synonymous with subdivide.

*Poultry facility, existing.* A poultry [facility] which is occupied or has been occupied by a commercial poultry flock for any period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the poultry house.

*Poultry facility, intensive (hereafter, "poultry facility").* A poultry house with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds.

*Poultry house.* Any structure designed for the keeping, breeding or raising of three hundred (300) chickens or fifty-five (55) turkeys (the equivalent of one (1) animal unit (one thousand (1,000) pounds)) or more at anyone time, except for research facilities that may be permitted as agriculturally related laboratories.

*Poultry producer.* The owner of the poultry facility or the land on which the facility is located.

*Prescriptive right-of-way.* An easement obtained by usage across another's property allowing access through such property.

*Private street.* A local internal street guaranteed to be maintained by a property owners association or similar organization by means of a covenant, deed, or easement.

*Private water or sewer system.* A water or sewer system owned and operated by a private individual or a corporation, and subject to special regulations of the State Corporation Commission.

*Produce auction.* The sale, by auction, of agricultural produce, including vegetables, fruits, nuts, grain, hay, straw and like products, but shall not include livestock sales pavilions or auctions.

*Professional.* When used in connection with "use" and "occupancy," a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative service or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers, and administrative agencies considered professional in



character.

*Project area.* The total land area zoned R-5 planned residential district, or R-4 residential planned community under the provisions of this chapter.

*Property owners association.* A corporation or other legal entity or a nonprofit organization to which has as its purpose maintenance of streets or other common areas in a subdivision or development.

*Public sewer.* Any system of pipelines or conduits, pumping stations, force mains, sewage treatment plants, and all other constructions, devices, and appliances appurtenant thereto, used for conducting or treating sewage, which is owned or controlled by the county or any authority or district created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the county, or which is owned and operated by a public utility as defined in Virginia Code § 56-265.1, 1950 as amended, or its successor statute.

*Public utilities.* Public service structures such as waterlines, pumping stations, sewage systems, or such similar operations publicly or privately owned furnishing electricity, gas, rail transport, or related services to the general public.

*Public water.* Any system of pipelines or conduits, pumping stations, force mains, water treatment plants, and all other constructions, devices, and appliances appurtenant thereto, used for providing water services, which is owned or controlled by the county or any authority or district created thereby, or any municipal corporation or other public entity created thereby located within the boundaries of the county, or which is owned and operated by a public utility as defined in Virginia Code § 56-265.1, 1950 as amended, or its successor statute.

*Quarry and gravel pit, shale or sand pit operation.* A place, cavern, or pit where stone is taken from the rock or ledge, or dug from the earth for building or other purposes.

*Racetrack.* The premises of an outdoor activity where powered vehicles or animals race and is a public attraction.

*Radio or television station activities.* A broadcasting facility licensed in the public interest, convenience, and necessity by the Federal Communications Commission, which may include transmitting and receiving equipment, studios, offices, utility buildings, and other necessary accessories needed to operate the facility.

*Railroad station.* A terminal operated by a railroad and used for the loading and unloading of passengers or cargo or both.

*Railroad yard.* An area operated by a railroad and used for the switching, storing, and repairing of railroad cars.

*Raising fur-bearing animals and pelt processing.* A building or area used for the raising of fur-bearing animals for commercial purposes and for on-premises pelt processing.

*Recreation or amusement enterprise (outside a building for profit and not otherwise listed).* Any

establishment operated as a commercial enterprise in which facilities directly related to outdoor recreation and amusement are provided outside a building for profit and not otherwise listed and including, but not limited to, drive-in theaters.

*Recreation or amusement enterprise (inside a building for profit and not otherwise listed).* Any establishment operated as a commercial enterprise in which facilities directly related to indoor recreation and amusement are provided inside a building for profit and not otherwise listed. Such enterprises may include public billiard parlors and poolrooms, dance halls, bowling alleys, night clubs, amusement centers, and similar forms of public amusement.

*Recreational or seasonal use.* The use of property for weekends, vacations, and brief periods throughout the year with or without the location of a structure or camping unit.

*Rehabilitation facility.* A public or private facility utilized by participants in programs providing guidance, counseling, or therapy.

*Relief center.* Facility where assistance is provided to needy persons. Such assistance may include but need not be limited to rehabilitative and clinical services and distribution of food, clothing and household items.

*Repair or servicing.* A business service establishment for repairing or servicing equipment, appliances, light machinery, home furnishings not including heavy machinery, cars, or industrial equipment and not otherwise listed herein.

*Required open space.* Any space required in any front, side or rear yard unless otherwise defined in this chapter.

*Residential clubhouse.* A house, room or building used by the residents of a designated residential community for their recreational or social purposes only.

*Residential human care facility.* A building used as a group home serving not more than eight (8) mentally retarded or other developmentally disabled, aged, infirm or disabled persons, not related by blood or marriage, with one (1) or more resident counselors or other staff persons for which the department of mental health, mental retardation and substance abuse services or the department of social services is the licensing authority, as the case may be. Excluded from this definition are drug or alcohol rehabilitation centers, half-way houses and similar uses.

*Restaurant or snack bar.* Any building in which, for compensation, food or beverage are dispensed for consumption on the premises, excluding drive-in service.

*Retail shop or store.* Building for display and sale of merchandise at retail or for rendering of personal services, such as the following which serve as illustrations: drugstore, newsstand, candy shop, gift shop, hardware store, household appliance store, furniture store, florist, and clothing store.

*Riding stable or horse show area.* Building and surrounding area used for sheltering, care, riding, or showing of horses.

*Right-of-way.* A strip of land acquired by grant, reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses; generally, for the right of one to pass over the property of another.

*Right-of-way line.* The dividing line between a lot, tract, or parcel of land and a contiguous street, railroad, or other right-of-way.

*Sale of travel trailers, manufactured homes, motor homes, and campers.* A commercial establishment for the storage and sale of travel trailers, recreational vehicles, manufactured homes, motor homes, and campers.

*School, business or commercial.* Privately owned and operated educational institution or educational organization, no matter how titled, maintained or conducting classes for the purpose of offering instruction, for a consideration, profit or tuition, to prepare individuals to pursue any occupation for profit in business administration, bookkeeping, accounting, data processing, stenography, clerical, secretarial, receptionist, or other office occupations.

*School, private.* Privately owned and operated educational institution or educational organization, maintained or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.

*School, public.* Publicly owned and operated educational institution or educational organization regulated by the Commonwealth of Virginia and maintained or conducting classes for the purpose of offering instruction of students from kindergarten to twelfth grade level.

*School, trade.* Privately or publicly owned and operated educational institution or educational organization maintained or conducting classes for the purpose of offering instruction for a consideration, profit or tuition, to prepare an individual to pursue any occupation for profit in any skilled trade, electronics, data processing or industry, or to give occupational training, or to give training in public or other service occupations, or to give vocational training designed to prepare an individual for, or to upgrade an individual in, technical occupations and technical phases of other occupations.

*Screening.* A barrier to vision or noise between adjoining properties and consisting of natural growth such as coniferous trees, bushes, or shrubbery. May include walls or fences. The use of landscaping, planted, or natural vegetation, fencing, walls, earthen berms, or other similar elements to establish a visual or noise barrier between adjoining unlike zoning districts or between unlike uses within a zoning district.

*Setback.* The minimum distance into any lot measured from the frontage.

*Sign.* Any words, lettering, parts of letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or marks, or combinations thereof, by which anything is made known, such as the designation of an individual, a firm, an association, a profession, a business, a commodity, or product, which are visible from any public way and used as an outdoor display. A display of less than one (1) square foot in area is excluded from this definition.

*Sign area.* The advertising area, excluding architectural trim and structural supports.

*Sign, business.* A sign, painted, electrical, or otherwise erected for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the premises upon which said sign is located.

*Sign, directional.* A directional sign is one (one (1) end of which may be pointed or on which an arrow may be painted) indicating the direction to which attention is called, four (4) square feet or less in area, giving the name only of a firm or business responsible for the erection of such sign.

*Sign, outdoor advertising.* A structural poster panel or painted sign, either free-standing or attached to a building, for the purpose of conveying information, knowledge, or ideas to the public about a subject unrelated to the premises upon which it is located.

*Sign structure.* A structure composed of a single pole or multiple poles which is located on the ground or on top of another structure and which supports no more than two (2) signs.

*Sign structure facing.* The surface of the sign upon, against, or through which the message of the sign is exhibited, not including architectural trim and structural supports.

*Sign, temporary.* Any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other materials with or without frames intended to be displayed for a period of not more than twenty-one (21) consecutive days within any one hundred twenty (120) day period.

*Silviculture.* Forestry, forest preserves.

*Site plan.* The proposal for a development or a subdivision including all covenants, grants, or easements and other conditions relating to use, location, and bulk of buildings, density of development, common open space, public facilities, other information as is required in applicable sections of this chapter.

*Site plan, minor.* Any required site plan meeting the following criteria:

- (1) The site development involves new construction or use of less than one thousand (1,000) square feet of gross floor area.
- (2) The site development involves an addition to an approved site and the addition is less than two thousand five hundred (2,500) square feet of gross floor area and has no increase in the parking required in the ordinance or a change in utilities.
- (3) The site does not require additional ingress/egress or alteration of existing ingress/egress.
- (4) The site does not require engineering work to develop the building or site.

*Slaughterhouse.* A commercial slaughterhouse including poultry processing plants.

*Small wind energy system.* A wind energy conversion system consisting of a wind turbine, a tower, and

associated control or conversion electronics that has a maximum power of at most 50kW, which will be used primarily to reduce on-site consumption of utility power.

*Story.* That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the first floor and the ceiling next above it.

*Story, half.* A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space of not more than two-thirds of the floor space is finished off for use.

*Street.* Any public thoroughfare, or any private thoroughfare providing access to two (2) or more lots, or abutting properties, but not including driveways.

*Street centerline.* A line generally parallel to the street right-of-way lines that equally divides the street right-of-way.

*Street, internal.* A private street providing access to lots within a development, but not including driveways.

*Street width.* The total width of the strip of land dedicated or reserved for public travel, including roadways, curbs, gutters, sidewalks and planting strips.

*Structure.* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground. Includes fuel pumps and above ground elevation valves for the transmission of oil and natural gas.

*Subdivide.* To divide, redivide, partition or develop any land into two (2) or more lots or parcels in compliance with chapter 16 of the Rockingham County Code.

*Subdivider.* Any person owning a tract or parcel of land to be subdivided.

*Surveyor.* A land surveyor certified by the Commonwealth of Virginia.

*Telecommunications facility.* Any site that is designed and constructed primarily for the purpose of supporting and including one or more antennas or microwave dishes, and including but not limited to telecommunications towers.

*Telecommunications tower.* Any structure that is designed and constructed primarily for the purpose of supporting and including one or more antennas or microwave dishes, and including but not limited to self-supporting lattice towers, guyed towers, man-made trees, monopole towers, telephone, radio and television transmission towers.

*Telephone exchange.* Public or private telephone switching facilities installed for the purpose of routing calls to and from a local area, not requiring water or sewer service, and excluding wireless communication facilities, antennae, towers and microwave dishes.

*Theater productions, indoor.* A building used for dramatic performances or showing motion pictures including dinner theaters.

*Theater productions, outdoor.* An outside area or pavilion used for dramatic productions.

*Time-share unit.* A dwelling unit the exclusive use or occupancy of which is circulated among various users for fixed increments of time, no longer than three (3) months each, according to a periodic schedule extending five (5) or more years.

*Time-share unit, lockout.* A dwelling unit capable of being occupied as two (2) distinct living units separated by a securable doorway where only one (1) such living unit meets the definitions of a dwelling unit.

*Tower.* With regard to wind energy system, the structure on which the wind system is mounted

*Tower height.* With regard to wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

*Townhouse.* A unit with separate ownership, separated from adjacent units by a vertical wall with no openings, providing a dwelling for a single family, in which separate access to the outside is provided, and in which the major orientation of the unit is vertical rather than horizontal; and the ownership to include the land located under the unit.

*Townhouse development.* Three (3) or more attached, single-family dwellings, sharing a common wall, with accessory parking, open space, and recreational facilities.

*Travel trailer.* A towed structure built on a chassis, designed to be used for temporary occupancy for travel, recreation, or vacation.

*Travel trailer park or travel trailer camp.* Premises where motor homes and travel trailers are parked temporarily in conjunction with travel, recreation, or vacation.

*Truck stop.* A facility typically providing food and comfort to drivers and fuel and mechanical service for trucks.

*Truck terminal.* A facility where trucks are stored and dispatched when not accessory to another use on the premises. The use may include maintenance and service of dispatched vehicles.

*Turbine:* The parts of the wind system including the blades, generator and tail.

*Unified control.* A method by which two or more land owners and/or contract purchasers may act as a single entity for the purpose of making application for rezoning land to the planned commercial district (PCD).

*Usable common open space.* All common open space in an R-4 or R-5 planned residential district as defined in "common open space" except unusable lands unsuitable for common recreation, enjoyment, or use.

*Uses, permitted.* A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, the use shall be permitted by the zoning administrator, without a public hearing.

*Uses, prohibited.* Any use not specifically permitted shall be prohibited.

*Uses, special.* A special use is one which may be allowed when the board of supervisors, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the comprehensive plan and the policies of the county, the standards of this chapter and the public interest. A special use permit will be issued by the zoning administrator after such special use has been approved by the board of supervisors.

*Utility building.* A building or structure of less than one hundred fifty (150) square feet, with no plumbing and limited to one (1) overhead light and one (1) electrical outlet, used to store tools, equipment, and materials needed to maintain the property. Said building or structure shall not be used for human or animal occupancy. Utility buildings shall not include farm buildings and private garages as defined by this Code.

*Variance.* A relaxation of the terms of this chapter by the board under procedures in accordance with the provisions of this chapter.

*Warehouse.* A structure, or part of a structure, for storing goods, wares, and merchandise.

*Water filling station, confined source.* The property where water from a well or water system pipeline is collected for delivery off premises by a water hauler.

*Water filling station, natural sources.* The property where water from a spring or from a natural water source is collected for delivery off premises by a water hauler. If water is diverted off premises for collection and delivery, it shall be considered a confined source.

*Water hauling.* The transportation of water by vehicle from a source where water is collected to individual consumers of water.

*Wayside stand.* Any structure or land used for the sale of agricultural or horticultural produce, produced by the owner or his family, grown by the owner or tenant of the property and sold on the property.

*Welding shop.* A commercial place in which metal parts are fabricated or repaired through the process of welding.

*Well drilling.* Any drilling for the purpose of any testing or extracting of any substance except water.

*Wholesale sales.* An operation which sells chiefly to retailers, other merchants, or industrial, institutional and commercial uses mainly for resale or business use.

*Winery, farm.* A winery as defined by the state alcoholic beverage control board where upon at least fifty-one (51) percent of the fresh fruits or agricultural products used by the owner to manufacture the wine shall be grown or produced on the farm. If in the event of drought, natural disaster, disease or other cause

beyond the control of the owner there are not sufficient grapes grown on the premises to allow the owner to meet normal annual production the owner may petition in writing for a one-year waiver of the fifty-one (51) percent rule. For the rule to be waived approval must be given by both the state alcoholic beverage control board and the zoning administrator and the owner shall be notified in writing by the zoning administrator of such waiver. The fifty-one (51) percent rule shall not be waived for more than three consecutive years.

*Yard, front.* A space on the same lot with the main building, extending the full width of the lot and situated between the frontage and the front line of the building projected to the sidelines measured between the front line of the building and the right-of-way line.

*Yard, rear.* A space on the same lot with the main building, such space may have an accessory building, and the yard extends the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected by the sidelines of the lot.

*Yard, side.* A space on the same lot with a main building situated between the sideline of the building and the adjacent sideline of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the front boundary of the side yard shall be the front line of the lot; and if no rear yard is required, the rear boundary of the side yard shall be the rear line of the lot.

(P.C. Ord. No. 84-5, § 302.02--302.208, 10-10-84, P.C. Ord. No. 86-5, 8-13-86; P.C. Ord. No. 86-10, 9-10-86; P.C. Ord. No. 19-86, 11-12-86; amended for recodification, 1987; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 7-91, 5-8-91; P.C. Ord. No. 10-91, 7-24-91; P.C. Ord. No. 13-91, 8-28-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 16-92, 7-22-92; P.C. Ord. No. 21-92, §§ 1--5, 12-16-92; P.C. Ord. No. 1-93, 3-24-93; P.C. Ord. No. 95-1, 2-28-95; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-9, 5-24-95; P.C. Ord. No. 96-2, 1-24-96; P.C. Ord. No. 96-4, 2-14-96; P.C. Ord. No. 97-18, 8-29-97; P.C. Ord. No. 97-19, 8-29-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 97-23, 11-19-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 00-13, 11-15-00; P.C. Ord. No. 02-07, 9-11-02; P.C. Ord. No. 02-09, 9-25-02; P.C. Ord. No. 03-04, 6-25-03; P.C. Ord. No. 03-09, 10-22-03; P.C. Ord. No. 04-03, 1-28-04; P.C. Ord. No. 04-07, 6-23-04; P.C. Ord. No. 04-10, 9-22-04; P.C. Ord. No. 04-12, 9-22-04; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-17, 12-14-05; P.C. Ord. No. 06-02, 2-22-06)

#### **Sec. 17-6.1. Definitions for standards for wireless telecommunications facilities.**

[For the purposes of this article, the following words and phrases shall have the following meanings, unless clearly indicated to the contrary:]

*Abandonment.* The condition in which an antenna support structure ceases to be utilized for providing wireless service for a period of six (6) months.

*Above ground level (AGL).* When referring to a support structure, the distance measured from ground level at the base of the structure to an object or point on the structure such as an antenna, lightning rod or the top of the structure.

*Adapted support structure.* Any structure designed primarily for other purposes that can be utilized to support antennas including but not limited to buildings, power towers, church steeples, light poles, water storage tanks, smoke stacks and silos.



*Antenna.* Any exterior electronic device used for the transmission or reception of radio frequency signals designed for telephonic, radio, satellite or television communications.

*Antenna support structure.* Any structure designed primarily for the purpose of supporting one or more antennas including but not limited to self-supporting lattice towers, guyed towers, and monopoles.

*Applicant.* Any entity requesting approval to construct a telecommunication facility through the county's permitting process.

*Balloon test.* A technique utilizing a balloon to demonstrate the height of a proposed antenna support structure.

*Collocation.* The shared use of an antenna support structure by two (2) or more wireless service providers or other entities that operate antennas.

*Electrical engineer.* An individual or firm licensed to practice electrical engineering by the Commonwealth of Virginia.

*Entity.* Any natural person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not for profit.

*Existing facility.* A telecommunications facility that exists is under construction or for which a special use permit has been issued.

*Fall zone.* An area within a radius equal to the height of the antenna support structure within which there is a potential hazard from falling debris or collapsing material. A fall zone is distinct from a setback.

*Federal Aviation Administration (FAA).* An agency of the federal government which regulates all activities affecting air navigation.

*Federal Communications Commission (FCC).* An agency of the federal government that regulates all intrastate, interstate and international communications via wire, wireless, satellite and cable.

*Mitigation.* The reduction or elimination of visual impacts through either concealment, camouflage and/or disguise.

*Property owner.* Any entity with fee simple title to any plot of land within the county.

*Radio frequency engineer.* An individual or firm with documented expertise in radio frequency propagation and engineering.

*Stealth structure.* Any structure designed to conceal or disguise wireless telecommunications facilities including but not limited to flag poles, silos, tree poles and lookout towers.

*Structural engineer.* An individual or firm licensed to practice structural engineering by the Commonwealth of Virginia.

*Tower development company.* Any entity that builds antenna support structures for the sole purpose of leasing space for the placement of antennas.

*Wireless service provider.* Any entity licensed or operating under a license issued by the FCC to provide wireless telecommunications services.

*Wireless telecommunications facility.* All infrastructure and equipment including but not limited to antenna support structures, antennas, transmission cables, equipment shelters, equipment cabinets, utility pedestals, ground systems, fencing, signage and other ancillary equipment associated with the transmission or reception of wireless communications.

(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

**Editors Note:** P.C. Ord. No. 00-11, adopted Oct. 25, 2000, did not specifically amend the Code. Hence, its inclusion herein as section 17-6.1 was at the discretion of the editor.

## **ARTICLE IV.**

### **ESTABLISHMENT OF DISTRICTS**

#### **Sec. 17-7. Division of Rockingham County into districts.**

For the purposes of this chapter, Rockingham County is divided into zoning districts named and described in this article. The boundaries of said zoning districts are hereby established and shown on the official zoning map maintained in the office of the zoning administrator.

(P.C. Ord. No. 84-5, § 401.00, 10-10-84)

#### **Sec. 17-8. Incorporation of the zoning map.**

The zoning map entitled the "Official Zoning District Map for Rockingham County, Virginia," dated April 1, 1985, hereinafter referred to as the official zoning map, with all notations, references, amendments and dates thereof, and other information shown thereon, shall constitute a part of the chapter. Said map shall be made a public record and shall be kept permanently in the office of the zoning administrator, where it shall be accessible to the general public.

(P.C. Ord. No. 84-5, § 402.00, 10-10-84)

#### **Sec. 17-9. Map amendment.**

If, in accordance with the provisions of article VIII of this chapter, changes are made in the district boundaries or other information portrayed in the official zoning map, such changes shall be entered on the official zoning map within ten (10) days after the amendment has been approved by the board of supervisors, together with a numerical entry referring to the application for the amendment, submitted in accordance with article VIII, herein, which shall be kept as a public record by the zoning administrator. Said numerical entry shall state the reference number of the application in the records of the zoning administrator and the date of the approval of the amendment by the board of supervisors. The official zoning map, which shall be located in the office of the zoning administrator, shall be the final authority in determining the current zoning status of land and water areas, buildings, and other structures in the county. No changes of any nature shall be made in the official zoning map except in acceptance with the procedures set forth herein.

(P.C. Ord. No. 84-5, § 403.00, 10-10-84)

#### **Sec. 17-10. Replacement of the official zoning map.**

In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board of supervisors may adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such corrections shall have the effect of amending the original official zoning map or any subsequent amendment thereof. Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map, or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(P.C. Ord. No. 84-5, § 404.00, 10-10-84)

#### **Sec. 17-11. Rules for determining boundaries.**

Unless district boundary lines are fixed by dimensions, and where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning map, the following shall apply:

- (a) Unless otherwise indicated, district boundaries indicated as approximately following property lines, land lines, centerlines of streams, roads, highways, alleys or railroads, or the shorelines of reservoirs, or other bodies of water, or civil boundaries, shall be construed to follow such lines.
- (b) District boundaries indicated as approximately parallel to the centerlines of streams, roads, highways, or railroads, or rights-of-way of the same, or the shorelines of reservoirs or other bodies of water, or said lines extended, shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- (c) Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
- (d) Where a district boundary is indicated to follow or parallel a river, creek, or branch, or other body of water, such boundary shall be construed as moving with the actual shoreline with its reestablished center or channel.
- (e) If no distance, curvature description, or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, the same shall be determined by the use of the scale shown on the official zoning map. In case of subsequent dispute, the matter shall be referred to the board which shall determine the boundary in accordance with article VIII of this chapter.
- (f) In case the exact location of a boundary cannot be determined by the foregoing methods, the board of supervisors shall, upon application, determine the location of the boundary in accordance with article VIII of this chapter.

(P.C. Ord. No. 84-5, § 505.00, 10-10-84)

## ARTICLE V.

### APPLICATION OF ZONING REGULATIONS

#### **Sec. 17-12. Regulations.**

The regulations established herein within each district shall be minimum regulations and shall be uniformly applied to each class of structure or land, except as hereinafter provided in this article.  
(P.C. Ord. No. 84-5, Art. 5, 10-10-84)

#### **Sec. 17-13. Uses.**

No building or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

- (a) *Permitted uses.* A permitted use is one which is allowed in the district in which the land is situated. Where the proposed use is permitted and is in accordance with other regulations herein, the use shall be permitted by the zoning administrator without a public hearing.
- (b) *Special uses.* A special use is one which may be allowed when the board of supervisors, after review of the application and hearing thereon, finds as a fact that the proposed use or uses are consistent with the comprehensive plan and the policies of the county, the standards of this chapter and the public interest. A special use permit will be issued by the zoning administrator after such special use has been approved by the board of supervisors.

(c) *Prohibited uses.* Any use not specifically permitted shall be prohibited.  
(P.C. Ord. No. 84-5, § 501.00, 10-10-84)

#### **Sec. 17-14. Buildings.**

No building shall hereafter be erected, constructed, or altered so as to exceed the height limit, to accommodate or house a greater number of families, or to occupy a greater percentage of the lot area than is required or specified in the regulations herein for the district in which it is located.  
(P.C. Ord No. 84-5, § 502.00, 10-10-84)

#### **Sec. 17-15. Lots and yards.**

No new lots or yards shall hereafter be created, nor shall any lot or yard existing at the time of enactment of this chapter be altered, nor shall any building or structure, whether new or existing, be moved so that the lot width, depth, or area requirements, front, side, or rear yard requirements, or other requirements of this chapter are not maintained, except when a portion of a lot is acquired for public use. No part of a yard or other open space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other open space similarly required for another building. Every part of a restricted yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of

sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend into the required yard area for a distance exceeding two (2) feet. Landings, patios, and steps may extend into the required front yard area for a distance not exceeding ten (10) feet from the main structure. Porches, screened porches, decks, landings, patios, steps may extend into as much as fifty (50) percent of the required rear and side yard areas, but shall not come closer than ten (10) feet to the rear property line or five (5) feet to a side yard property line. These allowable yard area reductions shall not apply to any nonconforming buildings.

After enactment of this chapter and for any lot created in a residential district, such districts including R-1, R-2, RS-1, R-4, R-5, MH-1, and RR-1, and where there is a demand for potable water and sanitary sewage disposal, there shall be an approved individual sewage disposal system and an approved individual water supply located within the lot or it shall be connected to a public sewerage or water system as applicable.

Pit privies shall be allowed in the county only under the following conditions:

- (1) Recreational or seasonal uses/structures on parcels with setbacks being a minimum of one hundred (100) feet from privy to property lines and five hundred (500) feet from privy to any full-time residence on adjoining property.
- (2) Replacement of existing, approved pit privies.
- (3) Failed septic where the health department is unable to locate another septic drainfield.

No pit privies shall be approved, even for recreational or seasonal uses or structures, if the property is located within a subdivision, and no pit privies shall be approved for full-time occupancy of a structure. All plumbing must be removed from any structure for which a pit privy is approved, and the zoning office shall reserve the right to make inspections of the property should conditions warrant. Structures approved for recreational or seasonal use on a pit privy shall only be converted to full-time living if a change of use permit is obtained and if an approved septic drainfield is located and installed prior to use of the structure for full-time living.

(P.C. Ord. No. 84-5, § 503.00, 10-10-84; P.C. Ord. No. 97-17, 8-29-97; P.C. Ord. No. 00-7, 4-12-00)

#### **Sec. 17-16. Not applicable--Restrictive covenants.**

This chapter does not apply to private restrictive covenants.  
(P.C. Ord. No. 84-5, § 504.00, 10-10-84)

#### **Sec. 17-17. Permits issued prior to adoption of chapter.**

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter. However, if such construction does not commence within six (6) months after this chapter becomes effective, or if construction is discontinued for a period of six (6) months or more, further construction shall be in conformity with the provision of this chapter for the district in which the operation is located.

(P.C. Ord. No. 84-5, § 505.00, 10-10-84)

### **ARTICLE VI.**

## **USES IN DISTRICTS**

### **DIVISION 1.**

#### **CONSERVATION DISTRICT C-1**

##### **Sec. 17-18. Purpose and intent.**

This district contains areas in the county under the ownership and management of state and federal land agencies, particularly national and state forest land and natural park land, for the purposes of natural resource management and public recreation use.  
(P.C. Ord. No. 84-5, § 601.01, 10-10-84)

##### **Sec. 17-19. Permitted uses.**

Within conservation district C-1, this chapter has no effect on land in federal and state ownership.  
(P.C. Ord. No. 84-5, § 601.02, 10-10-84)

##### **Sec. 17-20. Amendments to conservation district.**

After a state or federal agency acquires land through a transfer or exchange, that land is automatically amended as conservation district (C-1) to the official zoning map. After federal or state land is transferred to private ownership, that land is automatically amended to the official zoning map and assumes the zoning district of the majority of surrounding and nearby private lands, unless an amendment for another zoning district is submitted and approved under Article VIII of this chapter.  
(P.C. Ord. No. 84-5, § 601.03, 10-10-84)

### **DIVISION 2.**

#### **PRIME AGRICULTURAL DISTRICT A-1**

##### **Sec. 17-21. Purpose and intent.**

This district is composed of those areas of the county whose predominant land use is devoted to agricultural activities. It is established to protect and stabilize agriculture as an ongoing economic activity by permitting only those land uses and activities which are either agricultural in nature or act in direct support thereof. In the interest of public health, safety, and welfare, prime agricultural district A-1 is further designed and intended to accomplish the following:

- (a) Encourage the preservation of the most productive farmland within the county, primarily soils with Agricultural Land Capability Classifications of I and II as defined by the U.S. Department of Agriculture as a valuable resource which is not reclaimable once it is developed for building purposes. Future population and housing needs can be accommodated in other zoning districts.
- (b) Prevent adverse effects resulting from the encroachment and mixing of residential and other

incompatible development with agricultural uses. For agricultural enterprises such mixing of land uses would cause increased traffic on the narrow roads used to move farm machinery and livestock, and complaints about odors, noise, dust, barbed wire, or electric fences, and night operations which are a normal part of farming. In the prime agricultural district A-1, agriculture is the primary use with residential uses secondary to farm operations.

- (c) Guide development incompatible with agriculture into more appropriate zoning districts and in harmony with the intent and purpose of the policy objectives of the comprehensive land use plan. To implement the following policy objectives of the land use plan which state:

Agriculture should be maintained as a major economic base of Rockingham County.

Productive agricultural lands should be conserved for agricultural production.

Agricultural areas should be established which give priority to agricultural uses.

- (d) Provide maximum protection to existing and future agricultural enterprises.

(P.C. Ord. No. 84-5, § 602.01, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-22. Permitted uses.**

Within prime agricultural district A-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Agriculture;
- (b) Animal husbandry;
- (c) Silviculture;
- (d) Orchard;
- (e) Nursery operation;
- (f) Aquaculture;
- (g) Flood control or watershed structure;
- (h) Greenhouse, but not open to the public;
- (i) Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
- (j) Intensive poultry facility, as permitted by article VII, division 9 of this chapter;
- (k) Hog operation, no closer than three hundred (300) feet to a property line;

- (l) Fish hatchery;
- (m) Hunting or fishing club;
- (n) Domestic animals;
- (o) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (p) Signs as provided for in article VII, division 5;
- (q) Single-family dwelling, single-family dwelling with independent living quarters, or manufactured home, (not including manufactured home parks or subdivisions) unless special use permit required under section 17-23(a).
- (r) Water filling station, natural source;
- (s) Water hauling;
- (t) Storage of agricultural products, supplies or equipment in an agricultural structure at least three (3) years old, by no more than one (1) noncommercial user other than the landowner;
- (u) Residential human care facility (by special use if lot created after July 13, 1988).
- (v) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(w) Farm winery, not open to the public and with no on-site tours, special events or festivals.

(P.C. Ord. No. 84-5, § 602.02, 10-10-84; P.C. Ord. No. 86-16, 10-8-86; P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 9-90, 8-22-90; P.C. Ord. No. 12-92, 6-24-92; P.C. Ord. No. 21-92, § 2, 12-16-92; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 97-2, 4-23-97; P.C. Ord. No. 01-3, 1-10-01; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04; P.C. Ord. No. 04-07, 6-23-04; P.C. Ord. No. 05-17, 12-14-05)

### **Sec. 17-23. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, herein, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Single-family dwelling, single-family dwelling with independent living quarters or manufactured



home (not including manufactured home parks or subdivisions) to be divided from a larger parcel of land and conveyed to a non-family member in accordance with chapter 16 of this Code. The special use permit must be granted and the division of land must be approved by the subdivision agent and recorded prior to the issuance of a building permit for the dwelling or manufactured home.

- (b) Country inn;
- (c) Governmental, administrative, or service building;
- (d) Church or house of worship, cemetery adjunctive;
- (e) Cemetery, located no less than fifty (50) feet from any lot line;
- (f) Church camp or retreat;
- (g) School, public or private;
- (h) Child care center;
- (i) Reserved;
- (j) Animal shelter;
- (k) Game farm;
- (l) Quarry, gravel, shale or sand pit operation in which the area mined is less than five (5) acres and in which there is no use of explosives;
- (m) Well drilling and related pump station and pipeline;
- (n) Telecommunications facility as provided by Article VII, Division 6A of this chapter.
- (o) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).
- (p) Campground;
- (q) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market;
- (r) Shooting range;

- (s) Railroad station or yard;
- (t) Reserved;
- (u) Signs as provided for in article VII, division 5;
- (v) Dormitory housing for farm workers;
- (w) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens;
- (x) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;
- (y) Water filling station, confined source.
- (z) Agriculturally related laboratory;
- (aa) Raising fur-bearing animals and pelt processing.
- (ab) Riding stable or horse show ring;
- (ac) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use;
- (ad) Wind energy system as provided by article VII division 6B of this chapter;
- (ae) Produce auction.

(af) Farm Winery, open to the public and allowing activities as listed under section 17-147.02(c) (P.C. Ord. No. 84-5, § 602.03, 10-10-84; P.C. Ord. No. 86-11, 9-10-86; P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 7-88, (part), 7-13-88; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 10-91, 7-24-91; P.C. Ord. No. 12-92, 6-24-92; P.C. Ord. No. 21-92, § 5, 12-16-92; P.C. Ord. No. 1-93, 3-24-93; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 98-1, 3-11-98; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 01-3, 1-10-01; P.C. Ord. No. 02-10, 9-25-02; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04; P.C. Ord. No. 04-07, 6-23-04; P.C. Ord. No. 04-10, 9-22-04; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-17, 12-14-05)

#### **Sec. 17-24. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized including, but not limited to, the following:

- (a) Home occupation as provided for in article VII;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such

building or trailer shall be removed upon completion or abandonment of the construction work;

- (c) Accessory buildings or utility buildings as provided for by Article III;
- (d) Swimming pools.
- (e) Farm buildings as provided for by Article III;
- (f) Private garage.

(P.C. Ord. No. 84-5, § 602.04, 10-10-84; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 03-09, 10-22-03)

#### **Sec. 17-24.1. Accessory uses by special use permit.**

Limited businesses conducted in conjunction with agricultural operations may be permitted, by special use permit, as an accessory use in this district. ("Agricultural," throughout this section, includes "forestall").

(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-24.2. Same--Intent.**

It is the intent of this section that these businesses operate only on a very limited basis, for the sole purpose of strengthening existing agricultural operations and ensuring their continued economic viability. It is not the intent of this section to sanction, encourage or promote, in any way, the establishment of freestanding businesses separate from an agricultural operation, which might displace or diminish agricultural uses.

(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-24.3. Same--Restrictions.**

The following restrictions shall apply to all business uses permitted in this district as accessory uses by special use permit:

- (a) The business shall be located on a property where there is an ongoing agricultural operation that qualifies for land use taxation.
- (b) The business shall be permitted to operate only as long as the agricultural operation continues on the property.
  - (1) The business shall occupy an area equal to no more than five percent (5%) of the total acreage in agricultural production on the property, but in no case more than two (2) acres.

(2) Of the land area eligible for business use, five percent (5%) may be enclosed under roof for business purposes, but in no case more than three thousand five hundred (3,500) square feet. For example:

Acres in Agricultural Use	Acreage for Business	Area Under Roof (Rounded to Nearest 100 sq. ft.)
10	.5	1100
15	.75	1600
20	1.00	2200

25	1.25	2700
30	1.50	3200
35	1.75	3500
40 and above	2.00(max.)	5000(max.)

(3) However, businesses described in this section as handicrafts or cottage industries shall be limited to one-half (.5) acre and eligible to enclose up to one thousand five hundred (1,500) square feet under roof.

(4) Existing buildings, with a total area of no more than five thousand (5,000) square feet may be converted to a permitted business use.

(c) The special use permit under which the business operates shall be reviewed for administrative revalidation every thirty-six (36) months. If acreage which was in agricultural use at the time the permit was last validated is found to have been taken out of production or divided off from the property, the permit shall be revalidated only after the acreage eligible for business use and the area eligible for enclosure under roof have been recalculated according to the acreage remaining in agricultural use on the property at the time of review. No business permitted under this section shall continue to operate unless it has sufficient acreage in agricultural use to qualify it for the area in business use and the area enclosed under roof for business purposes on the property.

(d) The business shall be conducted by a person in full-time residence on the property, and may employ no more than two (2) off-farm workers.

(e) The business shall be located in close proximity to existing farm buildings, so as to maintain the open, agricultural character of the property and neighborhood. No business operation, equipment or materials (except in the case of display and sale of farm products, as permitted under this section) shall be located closer than existing farm buildings to a public roadway or private right-of-way, and in no event closer than permitted by the setback requirements of this district.

(f) Each business shall be limited to one (1) sign no larger than four (4) square feet, meeting the requirements for professional nameplates, as set forth in section 17-133(b).

(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 00-2, 1-26-00)

#### **Sec. 17-24.4. Same--Uses.**

When, after review of an application and hearing thereon, in accordance with article VIII herein, the board of supervisors finds as a fact that the proposed use if compatible with surrounding uses, is not detrimental to the character of the surrounding land or the district as a whole, is consistent with the intent of this section, and is in the public interest, the following accessory uses may be permitted with special use permit:

(a) Farm equipment repair, including fabrication of parts;

(b) Greenhouse, open to public for retail sales;

- (c) Processing of farm products grown on the same land or land lying within two (2) miles of the property on which the business is located;
- (d) Sawmill, for processing timber grown on the same land or land lying within two (2) miles of the property on which the business is located;
- (e) Fruit packing plant, for packing fruit grown on the same land or land lying within two (2) miles of the property on which the business is located;
- (f) Custom slaughter house;
- (g) Custom feedmill;
- (h) Display and/or sale of farm products, provided that:
  - (1) At least fifty percent (50%) of all products sold are raw food,
  - (2) All products have been grown on the same land or land lying within two (2) miles of the property on which the business is located;
- (i) Poultry litter service or brokerage operation;
- (j) Veterinary practice for livestock;
- (k) Reserved;
- (l) Handicrafts and cottage industries, limited to those identified below, provided that all products and services offered are manufactured and/or performed on premises:
  - (1) Woodworking shop,
  - (2) Blacksmithing or metal working shop,
  - (3) Leather working shop,
  - (4) Upholstery shop,
  - (5) Furniture repair or refinishing shop,
  - (6) Glassworks including making of glass and stained glass artifacts,
  - (7) Seamstress or tailor shop.
  - (8) Knitting, weaving or quilting shop,

- (9) Pottery shop,
- (10) Basketmaking shop,
- (11) Meat curing, canning and preserving operation,
- (12) Taxidermy shop,
- (13) Gunsmithing shop,
- (14) Artist studio.

(P.C. Ord. No. 3-88, (part), 5-11-88; P.C. Ord. No. 95-3, 3-22-95)

### **DIVISION 3.**

#### **GENERAL AGRICULTURAL DISTRICT A-2**

##### **Sec. 17-25. Purpose and intent.**

This district provides separate areas for the establishment of agriculturally related uses essential to the support of uses in the prime agricultural district A-1. This district should contain the existing low density residential areas of a rural character and is designed to promote a balance of productive agricultural land and agriculturally related uses. It is to serve as a buffer between the prime agricultural areas and the community service areas, rural service centers, and conventional low-density residential development. This district should maintain and encourage the rural agricultural character of the land.

(P.C. Ord. No. 84-5, § 603.01, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

##### **Sec. 17-26. Permitted uses.**

Within the general agricultural district A-2, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Agriculture;
- (b) Animal husbandry;
- (c) Silviculture;
- (d) Orchard;
- (e) Nursery operation;
- (f) Single-family dwelling, not including residential subdivisions;
- (g) Manufactured home, not including manufactured home parks or subdivisions;

- (h) Aquaculture;
- (i) Flood control or watershed structure;
- (j) Greenhouse;
- (k) Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
- (l) Wayside stand;
- (m) Church or house of worship;
- (n) Cemetery, if adjunctive to church;
- (o) Golf course;
- (p) Police, fire, or rescue station;
- (q) Fish hatchery;
- (r) Hunting or fish club;
- (s) Intensive poultry facility as permitted by article VII, division 9 of this chapter;
- (t) Church camp or retreat;
- (u) Campground;
- (v) School, public or private, located no less than fifty (50) feet from any property line;
- (w) Governmental, administrative or service building;
- (x) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (y) Signs as provided for in article VII, division 5;
- (z) Water filling station, natural source;
- (aa) Water hauling.
- (ab) Storage of agricultural products, supplies or equipment in an agricultural structure at least three (3) years old, by no more than one (1) noncommercial user other than the landowner.
- (ac) Hog operation, no closer than three hundred (300) feet to a property line;

- (ad) Domestic animals;
- (ae) Residential human care facility.
- (af) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).
- (ag) Single-family dwelling with independent living quarters.

(ah) Farm winery, not open to the public and with no on-site tours, special events or festivals. (P.C. Ord. No. 84-5, § 603.02, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 9-90, 8-22-90; P.C. Ord. No. 21-92, § 2, 12-16-92; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04; P.C. Ord. No. 05-17, 12-14-05)

#### **Sec. 17-27. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Cemetery;
- (b) Child care center;
- (c) Taxidermy, accessory to residence;
- (d) Sawmill, temporary or permanent, or commercial wood yard;
- (e) Livestock sales pavilion;
- (f) Quarry, gravel, shale, or sand operation;
- (g) Well drilling and related pumping stations and pipelines;
- (h) Telecommunications facility as provided by Article VII, Division 6A of this chapter.
- (i) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be include, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).



- (j) Raising fur-bearing animals and pelt processing;
- (k) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market;
- (l) Shooting range;
- (m) Two-family dwelling, but only if converted from a single-family residential structure existing on a parcel at the time of enactment of this chapter;
- (n) Railroad station or yard;
- (o) Animal hospital;
- (p) Auction sale;
- (q) Boarding house operation;
- (r) Family day-care home;
- (s) Group home;
- (t) Home for adults or nursing home;
- (u) Kennel operation;
- (v) Feed mill or seed and feed store;
- (w) Recreation or amusement enterprise, outside a building, for profit and not otherwise listed;
- (x) Riding stable or horse show ring;
- (y) Airport, heliport, or flight strip;
- (z) Auto graveyard or junkyard;
- (aa) Auto service station;
- (ab) Machine, welding, or blacksmith shop;
- (ac) Beauty or barber shop;
- (ad) Ceramic shop;
- (ae) Clinic service;

- (af) Club;
- (ag) Community center;
- (ah) Funeral home;
- (ai) General country or convenience store;
- (aj) Bulk storage of fuels or explosives;
- (ak) Public garage;
- (al) Signs as provided for in article VII, division 5;
- (am) Dormitory housing for farm workers;
- (an) Slaughterhouse, which shall not exceed two thousand (2,000) square feet of enclosed work space, excluding holding pens;
- (ao) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;
- (ap) Gun shop, accessory to residence or shooting range;
- (aq) Country inn;
- (ar) Water filling station, confined source;
- (as) Storage in an agricultural structure at least three (3) years old not otherwise allowed as a permitted use;
- (at) Agriculturally related laboratory;
- (au) Small contractor's business;
- (av) Reserved;
- (aw) Reserved;
- (ax) Game farm;
- (ay) Animal shelter.
- (az) Catering services.

- (ba) Heritage center.
- (ay) Animal shelter;
- (az) Catering services;
- (ba) Heritage center;
- (bb) Wind energy system as provided by article VII division 6B of this chapter;
- (bc) Produce auction.

(bd) Farm winery, open to the public and allowing activities as listed under section 17-147.02(c). (P.C. Ord. No. 84-5, § 603.03, 10-10-84; P.C. Ord. No. 86-12, 9-10-86; P.C. Ord. No. 86-20, 11-12-86; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 9-90, 8-22-90; P.C. Ord. No. 10-91, 7-24-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 21-92, § 5, 12-16-92; P.C. Ord. No. 1-93, 3-24-93; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 97-23, 11-19-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 02-07, 9-11-02; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-10, 9-22-04; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-17, 12-14-05)

#### **Sec. 17-28. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation as provided in article VII;
- (b) Temporary building or office trailer for uses incidental to construction work provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Farm buildings as provided for by Article III;
- (d) Accessory buildings or utility buildings as provided for by Article III;
- (e) Swimming pools.
- (f) Private garage.

(P.C. Ord. No. 84-5, § 603.04, 10-10-84; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

### **DIVISION 4.**

#### **RURAL SERVICE DISTRICT RS-1**

#### **Sec. 17-29. Purpose and intent.**

This district is intended to retain the character of established rural communities composed of low-density residential, scattered businesses, and open space where similar residential development and convenience services are likely to occur. Such communities can serve as a buffer between the prime agricultural district A-1 and the general agricultural district A-2. The development in this district is limited to relatively low residential concentration and is designed to promote the continuance of community activities and the establishment of businesses to serve the surrounding general agricultural areas.

(P.C. Ord. No. 84-5, § 604.1, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

**Sec. 17-30. Permitted uses.**

Within the rural service district RS-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Single-family dwelling;
- (b) Manufactured home, not including manufactured home parks or subdivisions;
- (c) Greenhouse, but not open to the public;
- (d) Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
- (e) Wayside stand;
- (f) Cemetery, church adjunctive;
- (g) Church or house of worship;
- (h) Child care center;
- (i) Family day care center;
- (j) Community center;
- (k) Golf course;
- (l) Bakery;
- (m) Beauty or barber shop;
- (n) Home for adults or nursing home;
- (o) Group home;
- (p) Funeral home;

- (q) Police, fire, or rescue station;
- (r) Governmental, administrative, or service building;
- (s) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (t) Signs as provided for in article VII, division 5;
- (u) Reserved;
- (v) Water filling station, natural source;
- (w) Water hauling;
- (x) Residential human care facility;
- (y) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department);
- (z) Single-family dwelling with independent living quarters.

(P.C. Ord. No. 84-5, § 604.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 9-90, 8-22-90; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 01-3, 1-10-01; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

### **Sec. 17-31. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Two-family dwelling, but only if converted from a single-family residential structure on parcel existing at time of enactment of this chapter;
- (b) Boarding house operation;
- (c) Antique shop;
- (d) Car wash;
- (e) Auto service station;

- (f) Cemetery;
- (g) Ceramic shop;
- (h) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market;
- (i) Clinic service;
- (j) Club;
- (k) Flood control or watershed structure;
- (l) General country or convenience store;
- (m) Laundromat, dry cleaners, laundry;
- (n) Feed mill or seed and feed store;
- (o) Recreation or amusement enterprise, outside a building for profit and not otherwise listed;
- (p) School, private or public;
- (q) Telephone exchange with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; electric generation substation, or transmission tower. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).
- (r) Machine, welding, or blacksmith shop;
- (s) Public garage;
- (t) Theater production, outdoor;
- (u) Airport, heliport, or flight strip;
- (v) Telecommunications facility as provided by Article VII, Division 6A of this chapter.
- (w) Golf driving range;
- (x) Taxidermy, accessory to residence;
- (y) Animal hospital;
- (z) Gun shop, accessory to residence;

- (aa) Well drilling and related pumping station and pipelines;
- (ab) Signs as provided for in article VII, division 5;
- (ac) Uses which in the opinion of the zoning administrator are similar to the foregoing uses, either permitted uses or special uses;
- (ad) Country inn;
- (ae) Water filling station, confined source;
- (af) Storage in an agricultural structure at least (3) years old not otherwise allowed as a permitted use;
- (ag) Agriculturally related laboratory;
- (ah) Small contractor's business;
- (ai) Animal, domestic, up to one animal unit per acre, not to exceed a total of four (4) animal units except that there shall be no more than five (5) birds or fowl per lot.
- (aj) Orchard;
- (ak) Nursery operation;
- (al) Greenhouse, open to public;
- (am) Produce auction.

(P.C. Ord. No. 84-5, § 604.03, 10-10-84; P.C. Ord. No. 86-20, 11-12-86; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 9-90, 8-22-90; P.C. Ord. No. 10-91, 7-24-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 21-92, § 5, 12-16-92; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-16, 12-14-05)

#### **Sec. 17-32. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation as provided for in article VII;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Farm buildings as provided for by Article III;

(d) Accessory buildings or utility buildings as provided for by Article III;

(e) Swimming pools.

(f) Private garage.

(P.C. Ord. No. 84-5, § 604.04, 10-10-84; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

**Secs. 17-33--17-35. Reserved.**

## **DIVISION 5.**

### **PLANNED COMMERCIAL DEVELOPMENT DISTRICT, PCD**

#### **Sec. 17-36. Purpose and intent.**

The planned commercial development (PCD) district is intended to enhance the county's economic viability by permitting a mix of commercial development strategically designed such that public access, lighting, business-related deliveries and other aspects of commercial development will have limited impact on surrounding areas. The PCD district will allow limited residential development in conjunction with commercial development in an appropriate setting.

Planned commercial development shall occur only when it can be demonstrated that specific or unique commercial needs exist in a local neighborhood or community, or that regional commercial activity of a specific nature would maintain the character of the local area and would benefit the entire county community. Within the PCD district, development is to be carefully planned to provide the organized location of commercial structures, service, and activity areas; open space; and coordinated vehicular, pedestrian, and bicycle routes or circulation. Landscaped areas and buffer zones shall be provided to protect the integrity of surrounding properties.

The PCD district is intended to provide an alternative to traditional commercial development by allowing the use of creative design to preserve trees, streams, ponds, and other natural features and to enhance commercial development with innovative landscaping, architecture, and low impact development.

A PCD district shall be established in accordance with an approved master plan. The master plan shall be designed to ensure the convenient relationships between various functional areas of the project. The design, arrangement, and shape of each use area or lot shall provide satisfactory and desirable sites for buildings and/or the designated use and shall provide safe and convenient access and traffic flow.  
(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.1. General qualifying requirements.**

Land may be considered for PCD district zoning only if it meets the following conditions:

(a) *Ownership requirements.* The project area must be under one (1) ownership or under unified



control at the time of application. The holder of a written contract or option to purchase the land shall, for the purpose of such application, but not for the approval of any final plans, be deemed to be an owner of such land. Unified control may be established by:

- (1) Formation of an owners' association which shall have the authority to act as a single entity in application for rezoning and in the development of the PCD, or;
  - (2) Covenants and restrictions, properly executed and recorded in the office of the clerk of the circuit court of the county, which shall run with the land and will insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning, or;
  - (3) By an agreement of all owners, properly executed and recorded in the office of the clerk of the circuit court of the county, which shall insure all development will be in accordance with the master plan and any conditions and restrictions of the rezoning;
- (b) *Availability of public utilities.* The project area shall be served by a public water and sewer system or a community water and sewer system approved by the appropriate local/state agencies. All uses in the project requiring water and sewer service shall connect to the approved system.
- (c) *Open space.* Not less than fifteen (15) percent of the total acreage of each PCD project shall be devoted to open space.
- (d) *Streets.* Public streets are permitted, subject to approval and acceptance by the Virginia Department of Transportation (VDOT). Private streets are permitted, subject to the regulations stated hereinafter. All entrances from existing public roads or highways shall be approved by VDOT.
- (e) *One hundred-year floodplain.* Land within the one hundred-year flood plain shall be used only for open space, parking, trails, and picnic shelters that are completely open on all sides. No other structures shall be permitted. No structures or uses shall be permitted in the floodway. Filling of the flood plain for the purpose of constructing a building, other than picnic shelters, shall not occur, even if permitted by other agencies.

(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.2. Permitted uses subject to conditions or limitations.**

The following uses are permitted in the PCD district, subject to the specific conditions and limitations listed:

- (a) Nonresidential uses as follows:
  - (1) Any permitted use or special use in the B-1 general business district or in the B-2 rural business service district, or other business uses requested by the applicant, may be considered, subject to the following:

- a. The use shall be labeled and defined by size, scope and location on the master plan.
  - b. Uses shall be on the first floor and may be allowed on upper floors.
- (b) Residential uses, subject to the following:
  - (1) Residential uses shall occupy only the upper floors of a structure. Residential uses are not permitted on the first floor.
  - (2) The square footage of any individual floor of residential use shall not exceed the square footage of the first floor.
  - (3) Building entryways to residential units shall be independent of those serving commercial uses;
  - (4) Time-share units shall not be permitted.
- (c) Community and recreational uses including:
  - (1) Community center;
  - (2) Park, lake, pond, pedestrian walkway or trail, bikeway, playground;
  - (3) Golf driving range, miniature golf course;
  - (4) Indoor theater or outdoor theater, for film, live productions, concerts, or assembly;
  - (5) Library, art gallery, museum;
  - (6) Spa, swimming pool;
  - (7) Gymnasium or fitness center;
  - (8) Assembly hall, group activities center;
  - (9) Other compatible community or recreational uses may be considered;
  - (10) Parking structures;
  - (11) Service or maintenance areas, including the storage of materials, vehicles and equipment, servicing of vehicles and equipment, for maintenance of the PCD or adjacent developed areas under the same ownership or management may be considered;
  - (12) Emergency services (police, fire, rescue, heliport);

- (13) Signs, subject to the regulations hereinafter provided;
- (14) Lighting, subject to the regulations hereinafter provided;
- (15) Public utilities to serve the project area unless otherwise restricted;
- (16) Telecommunication facilities limited to stealth.

(P.C. Ord. No. 02-09, 9-25-02)

### **Sec. 17-36.3. PCD project and site design requirements.**

The following site design requirements shall be considered in the preparation of master plans and final plans and shall be shown on site plans and construction plans, as required elsewhere in this Code:

- (a) *Permanent open space, landscaping, and buffering or screening.* Not less than fifteen (15) percent of the total acreage of a PCD project shall be devoted to open space.
  - (1) At least two-thirds of the required fifteen (15) percent open space shall have slopes of less than twenty (20) percent grade.
  - (2) Open space may include picnic facilities, benches, playground equipment, parks, courtyards, plazas, landscaped areas within parking lots, and street tree planting areas.
  - (3) A buffer strip of land, not less than twenty-five (25) feet wide, shall be located along the perimeter of the PCD project where it joins any other zoning district. This strip shall be retained in an approved natural state or landscaped to provide a screened buffer between the project area and adjoining property with unlike uses.
  - (4) Landscaping or an approved natural state shall be required along adjoining roads or streets, around parking areas, and in open space throughout the project.
- (b) *Lot design.* There shall be no minimum lot size, no maximum percent of lot coverage, no minimum lot width, and no public or private street frontage requirement except as shown on an approved final plan.
- (c) *Structures, as follows:*
  - (1) There shall be no minimum setback, except on state maintained roads, in which case the minimum setback line shall be:
    - a. Thirty-five (35) feet from the VDOT road right-of-way if the right-of-way is fifty (50) feet or greater, or
    - b. Sixty (60) feet from the centerline of the road if the VDOT road right-of-way is less than fifty (50) feet.

- (2) Maximum building height shall be limited to forty-five (45) feet;
- (d) *Streets.* The street system within the project area shall be designed to coordinate with existing and planned streets.
  - (1) Public streets. Any dedicated public streets shall meet all the requirements of VDOT and shall be certified by the VDOT resident engineer.
  - (2) Private streets.
    - a. Private streets need not meet the requirements of the state department of transportation, but shall meet the requirements stated in this section and to that extent the requirements of the chapter 16, subdivision of land, of the County Code, are hereby modified.
    - b. Private streets shall be constructed to ensure proper drainage and adequate base and surface construction capable of supporting imposed loads or fire apparatus as required in the county fire prevention code.
    - c. The applicant shall legally establish a private street maintenance agreement to insure the continued maintenance of the private streets. No request shall be made to VDOT to have a private street accepted into the VDOT system until the private street has been dedicated and constructed, at no cost to the county or VDOT, in accordance with the current subdivision street requirements.
    - d. Private streets shall accommodate projected traffic volume.
      - 1. Two-way streets shall comply with the requirements in table 17-36.3.
      - 2. One-way streets shall have a pavement width of not less than twelve (12) feet.
      - 3. Alleys may be permitted for residential and service vehicle access only. Alleys shall have a pavement width of no less than ten (10) feet. No on-street parking shall be permitted on the alley.
    - e. No private street or alley shall exceed ten (10) percent grade.
    - f. Sight distances for all intersections and entrances shall conform to VDOT standards.
  - (3) Street names and signs. The names of proposed streets shall not duplicate existing street names and shall conform to the county policy for naming streets.
  - (4) Monuments shall be provided to permanently identify right-of-way lines.

Table 17-36.3

PCD Minimum Private Street Requirements

Vehicles Per Day	Number of Traffic Lanes	Width of Traffic Lanes	Number of Parking Lanes (Optional)	Width of Parking Lanes (Optional)
Up to 400	2	10 feet	1*	8 feet
401 to 3,000	2	11 feet	2*	8 feet
3,001 to 5,500	2	12 feet	2**	12 feet
Over 5,500	4	12 feet	2**	12 feet

\* If no curbing is installed, shoulders shall be a minimum of five (5) feet wide.

\*\* If no curbing is installed, shoulders shall be a minimum of eight (8) feet wide.

(e) *Pedestrian and bicycle circulation.* Provision shall be made for sidewalks, pedestrian walkways and bicycle trails which will enable residents, visitors or patrons to walk and ride safely and conveniently between the various functional areas of the project. Walkways and trails shall be coordinated to access existing and planned pedestrian and bicycle routes on adjoining properties. In no case shall the street pavement serve as a pedestrian walkway.

(f) *Parking.* Off-street parking shall be provided in adequate amounts and in convenient locations. Parking structures, such as decks and garages, may be provided to accommodate parking needs. Parking areas should be designed to avoid excessive concentrations of pavement by the use of landscaping and tree planting.

(1) Parking space requirements for the PCD are not subject to the general parking and loading requirements elsewhere in this ordinance, except as follows:

- a. Each space shall be at least nine (9) feet wide and nineteen (19) feet long.
- b. Handicapped parking shall meet current Americans with Disabilities Act regulations.

(2) Parking provisions for compact autos may be made as follows:

- a. Up to twenty-five (25) percent of the total parking spaces in the project area may be reserved for compact autos.
- b. Each compact space shall be eight (8) feet wide and seventeen (17) feet long.
- c. All compact spaces shall be clearly marked as such.

(3) Overflow parking provisions for peak shopping times or special events need not be

constructed of impermeable materials, but shall be designed to ensure proper drainage and avoid dust and mud. The area may use grass pavers, but shall not be graveled. The maximum distance from a paved lot or roadway capable of supporting fire apparatus to the most remote point of overflow parking shall not exceed 400 feet.

- (4) On-street parking may be provided in accordance with table 17-36.3.
  - (5) A plan for parking shall be submitted on or with the final plan, along with supporting documentation to verify adequate parking. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian and bicycle use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly or seasonal use parking, loading and unloading spaces, availability of general use parking areas, and mass transportation availability.
- (g) *Off-street loading and unloading.* Commercial uses shall be exempt from the requirements for off-street loading and unloading set forth in section 17-125 of this chapter, but shall meet the following requirements:
- (1) Each off-street loading space shall have a minimum area of six-hundred (600) square feet, generally twelve (12) feet by fifty (50) feet, independent of fire lanes, public or employee parking, public or private travel-ways, and public or private streets. Such space shall be located so as not to hinder the free movement of pedestrians or vehicles over a sidewalk, walking or bicycle path, or street.
  - (2) Each required loading space shall have safe and convenient access to a road, street, or driveway that offers satisfactory ingress and egress for trucks.
- (h) *Signs.* Signage shall be intended to provide information, direction, and identification, adequately but not excessively, for the convenience and safety of the public. Signs shall be limited in size, color and lighting to protect property values and the character of the PCD and the neighboring community. Signs shall be integrated with the architecture and landscaping of the development, and shall not be dominant features. Signs advertising business uses must avoid excessive competition among sign displays in a demand for public attention.
- (1) Signs shall conform to the regulations set forth in article VII, division 5, of this chapter and to the following additional regulations. In cases where the regulations of article VII, division 5, signs, and the regulations of this district address the same issues, the following requirements shall be considered controlling for development in the PCD district.
  - (2) Limitations for signs. The following shall be prohibited:
    - a. Signs having flashing, intermittent, or animated illumination;
    - b. Roof signs;
    - c. Attached signs, or projecting signs which exceed the height of the lowest portion

of the roof of the structure to which the sign is attached;

- d. Internally illuminated signs or canopies;
  - e. Signs painted, as opposed to attached, upon the exterior surface of any structure;
  - f. Signs, other than for residential building identification or address, attached to the exterior surface of any dwelling unit;
  - g. Signs which obstruct or impede the free flow of pedestrian or vehicular traffic;
  - h. Signs, which by reason of location, size, lighting, or design, obstruct or interfere with the safe vision or sight distance of traffic;
  - i. Signs painted upon or attached to a vehicle;
  - j. Strings of lights or lights outlining structures, or portions of structures, sales areas, or property lines, other than decorations for recognized, annual holidays.
- (3) One freestanding sign displaying the name and/or logo of the development, or section thereof shall be permitted at each public entrance to the PCD. This sign also may contain the name and/or logo of each of the businesses, services, or attractions located therein. The free-standing sign shall be subject to the following:
- a. Maximum height, measured from the ground to the highest point of the sign structure, twelve (12) feet;
  - b. Maximum sign area for each side of a double-faced sign shall not exceed sixty-four (64) square feet.
- (4) Nonresidential uses shall be limited to only one of the following:
- a. Wall-mounted sign, subject to the following:
    - 1. Maximum sign area shall be limited to one (1) square foot for each linear foot of the front facade of the building or that portion of the building occupied by the subject use, not to exceed thirty-two (32) square feet.
  - b. Projecting sign subject to the following:
    - 1. Maximum sign area shall not exceed six (6) square feet per side;
    - 2. Maximum height of the projecting sign shall be twelve (12) feet;
    - 3. Minimum ground clearance of the projecting sign shall be nine (9) feet;

4. The projecting sign shall not project more than six (6) feet from the face of the building or not more than the width of the pedestrian walkway serving the building, whichever is lesser.
  5. Projecting signs shall not extend above vehicular travelways.
- c. Awning, canopy, or marquee sign subject to the following:
  1. Maximum sign area shall not exceed a total of eight (8) square feet;
- d. Painted window sign subject to the following:
  1. Maximum sign area shall not exceed eight (8) square feet;
- (5) Residential signs shall include building identification and/or addresses only, not to exceed six (6) square feet in area.
- (6) Free-standing signs for informational purposes, such as traffic flow, fire lanes, parking or directions, shall be permitted along pedestrian walkways, vehicular routes, in parking areas, or other locations necessary for public safety or convenience, limited to a maximum size of eight (8) square feet in area.
- (7) Special provisions for motor vehicle service and/or filling stations, with or without a combined convenience store and/or restaurant(s). In addition to the other requirements for development in the PCD district, fuel stations shall be subject to the following regulations:
  - a. One freestanding sign, indicating the brand of fuel being offered and the price of the fuel in dollars per gallon is permitted, subject to:
    1. Maximum area for the brand name portion of the sign shall be twenty-five (25) square feet;
    2. Maximum area for the fuel price portion shall be twenty (20) square feet;
    3. Maximum height of the freestanding sign shall be fifteen (15) feet from the ground to the highest part of the sign structure;
    4. The sign may be illuminated, however no internal illumination, neon, or flashing lights shall be permitted.
  - b. A canopy may be used for signage as follows:
    1. The sign, including, but not limited to fuel brand name and/or stripes and logos, shall not exceed a height of two (2) feet and a length of twelve (12) feet or 25% of the area of the vertical side of the canopy on which the sign



is attached, whichever is less. A sign shall be displayed on no more than two vertical sides of the canopy;

2. The canopy sign shall not extend above or below the vertical sides of the canopy;
3. The canopy sign may be illuminated, however no internal illumination, neon, or flashing lights shall be permitted;

c. One pump island sign is permitted for each pump island, subject to the following regulations:

1. The pump island sign shall not extend beyond the limits of the pump island and shall provide no hazard to the safety of the motorist or attendant using the pumps;
2. Maximum size of each pump island sign shall be three (3) square feet;

d. For any building constructed as an integral part of the fuel station, whether or not it contains a general store or a convenience store, one (1) wall mounted sign shall be permitted on each side of the building facing a canopy or cluster of pumps, subject to:

1. The maximum size of the sign shall be twenty (20) square feet;
2. The sign(s) may be illuminated, however no internal illumination, neon, or flashing lights shall be permitted.

(i) *Outdoor lighting.* Within the PCD district all outdoor lighting, including the placement, orientation, distribution patterns and fixture types of outdoor lights, shall be installed to protect the district and the adjoining properties from light trespass and light pollution to the fullest extent possible. Outdoor lighting shall be subject to the following regulations:

- (1) No lighting shall be allowed to produce illumination or glare on public or private streets or roads detrimental to the safety and convenience of the public;
- (2) Lighting shall protect the privacy of the residents of the PCD and adjoining residents by the use of shielded fixtures and the establishment of structural or vegetative screening;
- (3) All outdoor lighting, including display lighting, shall be turned off after the close of business hours, except that needed for safety and security, in which case lighting shall be reduced to the minimum level necessary;
- (4) Display lighting shall be fully shielded to avoid illumination other than that of the sign or other object of the light;

- (5) All outdoor lighting, including that for recreational facilities, shall be recessed or shielded so that all light emitted is projected below a plane running from the bottom of the light fixture to the property line of the PCD;
  - (6) Canopy lighting shall be recessed and/or shielded so that all light emitted is projected directly beneath the canopy and not beyond it. All parts of the light fixtures must be recessed into the horizontal ceiling of the canopy, and the vertical edges of the canopy shall be lower than the horizontal ceiling in which the lighting is affixed.
  - (7) No neon or flashing lighting shall be permitted;
  - (8) Temporary emergency lighting is exempted from the requirements of this section.
- (j) *Landscaping.* Landscaping shall be an important and integral aspect of the PCD project. In accordance with the intent and purpose of the district, landscaping is one of the major elements that distinguishes the PCD from conventional commercial development by creating a visually pleasing project appearance, buffering or screening the perimeter and road frontage of the development, separating various elements of the project, screening service areas, and dividing parking areas to avoid large unbroken expanses of pavement. Additionally, landscaping provides a variety of environmental benefits by improving air and water quality, reducing detrimental heat island effect, mitigating soil erosion, and conserving energy costs at nearby buildings. In addition to the regulations cited elsewhere herein, the following guidelines shall apply to landscape design:
- (1) Landscaping may include such elements as grass areas, shrubs, flowers, and trees. Walls, fences, benches, tables, playgrounds, courtyards, and plazas may be incorporated into a landscaped area.
  - (2) A plan shall be devised which ensures that at a maturity of 20 years, there will be a tree canopy equal to 10% of the total site area. Street trees and parking lot trees may contribute to the minimum canopy requirements.
    - a. Credit will be granted toward the ten percent site coverage requirement for existing trees if such trees are indicated on the PCD master plan and if an approved tree preservation plan is included with the PCD master plan. Trees may be indicated on the site plan individually or in clusters. The PCD master plan shall include the botanical name and approximate canopy and size of trees to be preserved.
    - b. Where development is proposed on sites which consist of farm land, pasture land or other area devoid of woody material, or for the preservation of wetlands, the board of supervisors may approve a modification which results in the reduction of the required tree cover. Such a modification shall not reduce trees as may be required for parking areas, buffers or screening or street trees.
  - (3) In order to protect the integrity and property values of adjoining and adjacent properties

and create harmonious neighborhoods, transitional screening shall be designed to provide an effective year-round visual screen between the proposed development and adjoining noncommercial properties. When required, screening shall consist of a planting strip, existing vegetation, a slightly opaque wall or fence, or combination thereof. Where only vegetative screening is provided, such screening strip shall not be less than twenty (20) feet in depth. Vegetative screening shall consist of a double staggered row of evergreen trees planted fifteen (15) feet on center, or a double staggered row of large-growing evergreen shrubs planted ten (10) feet on center. Alternate methods of vegetative screening may be approved. Where a fence or wall is provided, it shall be a minimum of six (6) feet in height and plantings may be required at intervals along such fence or wall.

- (4) The impact of large parking areas will be reduced by the use of landscaping to provide visual barriers within and around pavement areas and by providing shade trees within the parking areas;
  - a. All parking lots shall contain interior and perimeter planting areas, which include not less than one (1) shade tree, at least two (2) inches in caliper and having a clear trunk height of at least five (5) feet, for every eight (8) spaces of impervious parking surface.
  - b. A continuous landscape median of at least ten (10) feet in width shall be provided between every four (4) rows of parking.
  - c. Planting islands, a minimum of nine (9) feet wide, shall be provided between every fifteen (15) to twenty (20) spaces. Each of these planting islands shall have at least one (1) shade tree, at least two (2) inches in caliper, having a clear trunk height of at least five (5) feet.
  - d. Any parking area of greater than fifty (50) feet in depth shall be screened from public right of way or perimeter property line by low profile shrubs or an earthen berm. However, landscaping shall be separated from the curb, entrances or intersections sufficiently so as to avoid a visual obstruction.
- (5) Separate, by the use of buffering and screening, unlike uses within the project.
- (6) At the site of fuel stations, provide landscaping in all areas not paved or built upon. With the exception of paved vehicular entrances and exits, the perimeter of any fuel station site shall be landscaped and screened from adjoining unlike uses.
- (7) Every effort will be made to protect and preserve existing vegetation, particularly mature trees, by carefully planning the site arrangement and grading to incorporate existing natural features into the project development, to the fullest extent possible.
  - a. In lieu of planting new landscape materials, existing trees and vegetation may satisfy landscaping and screening requirements. The required landscape plan shall indicate the trees to be saved; limits of clearing; location and type of protective

fencing; and grade changes requiring tree wells or walls and trenching.

- (8) One (1) shade tree, at least two (2) inches in caliper, having a clear trunk height of at least five (5) feet, shall be planted per fifty (50) feet linear (though not necessarily centered on fifty (50) feet) of each side of any street.
- (9) A landscape plan will be required as part of the master plan document. The landscape and screening plan shall show the following:
  - a. Brief descriptions of the surrounding area and the previous or current use of the site.
  - b. The location, sizes, and types of all proposed plant materials and screening measures.
  - c. Existing trees with a caliper of six (6) inches or greater, or wooded areas considered for preservation must be identified.
  - d. Natural features which distinguish the site, such as prominent ridge lines, rock outcroppings, or water features:
- (10) Maintenance.
  - a. The owner shall be responsible for the continued maintenance of the landscape materials, walls and fences.
  - b. The owner may remove and replace damaged, unhealthy, or dead materials so long as replacement materials meet the standard of the Code in effect at the time of replacement.
  - c. A failure to maintain landscape areas is considered a violation of the zoning ordinance.
- (k) *Topographically unsuitable land.* Land within any one hundred-year floodplain or other land subject to flooding and land deemed topographically unsuitable shall not be platted for any use which may increase the danger to health, life, or property, or which may aggravate erosion or flood hazard. Such land within the project area shall be used as open space or other uses which would not be endangered by inundation or not produce conditions contrary to public welfare;
- (l) *Utilities.* Water and sewer systems shall be designed and constructed to the standards and specifications of the appropriate local and/or state department or agencies. Other utilities shall be designed and constructed according to the requirements of the respective departments, agencies, or companies. With the exception of telecommunication facilities and existing overhead transmission lines, underground installation of utilities is required wherever possible, subject to the standards and regulations of the controlling utility company or agency;

- (m) *Natural amenities.* The developer shall make every reasonable effort to protect and preserve the natural amenities of the site, such as tree cover, waterways, etc.

(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.4. PCD design standards and guidelines.**

The PCD is intended to meet neighborhood commercial needs of the communities of the county and as such should be compatible with, convenient to and respectful of the existing character of the existing development form. This is accomplished primarily through the placement and design of buildings, streets and other elements, the generous use of landscaping, and the control of potentially detrimental influences of light, glare, noise and elements which reduce the appeal of an area. These design guidelines are meant to ensure that new development respects the character of existing development, preserves neighborhood integrity and property values, and promotes healthy economic development of the county.

Design guidelines are not intended to enforce a singular architectural style or standard but rather to ensure that development is of high quality and follows commonly accepted principles of urban design. Development may draw from the traditions of the historic development of the County's towns and villages typified by a high density of mixed uses, a pedestrian scale, and recognizable themes and patterns that evolve over time. Alternately, development may follow a more modern campus style where building clusters are organized according to landscape forms, and the liberal use of landscaping and open space highlight architectural form. In any case, the PCD is meant to discourage the too often nondescript, garish, and automobile-dominated development patterns of modern commercial strips and regional shopping centers.

- (1) Surrounding development should be evaluated as to the significance and integrity of its architecture and general development character. Where appropriate, new development should be compatible in scale, mass, and form with adjacent structures and the pattern of the surrounding area.
- (2) Pedestrian plazas, seating areas with benches, pocket parks, playgrounds, and defined pathways should be integrated with building clusters. Such features, even when nonporous surfaces are utilized, shall be credited toward the district's fifteen (15) percent open space requirement.
- (3) Connecting internal pedestrian walkways, no less than five (5) feet in width, shall be provided throughout the site and connected to existing public sidewalks or rights of way to principle entrances and to adjacent residential neighborhoods.
- (4) Walkways should be defined by landscape features and/or appropriate surface treatment. If located in or adjacent to parking areas, walkway landscaping shall be credited to parking lot landscape requirements. Landscaping should be planned and maintained so as to allow good, natural surveillance.
- (5) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, scored concrete, or other architectural treatments.
- (6) Buildings should be oriented to fronting streets, with parking distributed around the sides and/or

rear of the building in order to reduce expansive parking areas at street view. No more than fifty (50) percent of the parking for any building or group of buildings shall be located between the front building facade and its primary abutting street.

- (7) Streets and pedestrian ways should connect to surrounding development.
- (8) Surrounding buildings should be evaluated as to the value and integrity of their architecture and general development character. Where appropriate, new buildings should be compatible in scale, mass, and form with adjacent structures and the pattern of the surrounding area. Compatibility is not construed to imply that new development conforms strictly to existing development but rather that new development is similar to existing development in scale and massing, that materials and colors complement the existing development, and that adequate transition buffers are provided between new commercial development and noncommercial development or zones.
- (9) While no one architectural style is recommended, styles within the PCD should be complementary and compatible. Standardized franchise or corporate styles are discouraged.
- (10) Masonry materials and natural materials will generally be most appropriate for new commercial development. The use of unadorned concrete or cinderblock, and corrugated steel, metal, and reflective glass is discouraged.
- (11) The apparent mass of large buildings should be reduced through the appropriate use of variety in color, texture, and architectural features. Building massing refers to the overall footprint, height, and bulk of a structure.
- (12) Outdoor storage areas, mechanical equipment, utility vaults, and trash receptacles must not be visible from adjacent streets, pedestrian ways, and neighboring properties. Such features should be screened by landscaping or screening which is architecturally integrated with adjacent buildings.
- (13) Long or continuous wall planes should be avoided. Building facades visible from any public or private street and greater than one hundred fifty (150) feet in length, measured horizontally, should be broken into smaller planes of thirty (30) to fifty (50) feet in width by incorporating wall plane projections or recesses, arcades, display windows, entry areas, awnings, and other similar features adding visual interest.
- (14) Buildings in the PCD should adhere to a pedestrian scale by segmenting building facades into vertical elements, which respect a human scale. This may be accomplished by incorporating street level doors and entrances, shopping gallery windows, awnings, and other such features.
- (15) Variations in roof lines should be accomplished through the use of overhanging eaves, parapets, pop outs, entrance features, or height variations.
- (16) Flat roofs and all roof top equipment shall be concealed from typical street level view by use of parapets, cupolas, dormers, or other similar means.

- (17) Large structures should be designed to reduce their perceived height and bulk by dividing the building mass into smaller scale components.  
(P.C. Ord. No. 02-09, 9-25-02)

**Sec. 17-36.5. Master plan and application.**

(a) Pre-application conference. The applicant is required to confer with the county department of community development prior to submission of a master plan.

(b) Application requirements. The application for rezoning, together with seventeen (17) copies of a master plan prepared by a duly licensed professional surveyor, engineer, or architect, as defined in and limited to § 54.1-400 in the Code of Virginia, shall be filed with the department of community development.

(c) Such application shall include the following information as a minimum:

(1) Master plan, drawn to scale, to include the following existing and proposed features:

- a. Property lines of the project area;
- b. Contour lines at ten-foot intervals;
- c. Land use of the project and adjoining lands;
- d. Size and scope of all proposed land uses and structures;
- e. On-street and off-street parking areas, designated fire access lanes, vehicular circulation routes, designation of streets as public or private, including all rights-of-way and connections to existing public streets or roads;
- f. Bicycle and pedestrian circulation system, such as sidewalks and paved or graveled trails;
- g. Location of all service, maintenance and delivery areas, including routing;
- h. Location of all permanent open space, buffers, and screening, specifying areas to remain in an approved natural state or to be landscaped;
  1. Location of open space for the exclusive use of PCD residents, including the areas to be used for picnic facilities, seating, playground equipment, etc.;
  2. Location, size and method of screening of all buffers along adjoining properties and between use areas within the PCD;
  3. Location of all open areas along adjoining and internal roads and streets and around parking space, specifying areas to be landscaped or to remain in a natural state.

- i. Quantitative data including total acreage, open space acreage and the total acreage planned for each land use;
  - j. Street rights-of-way;
  - k. Location of all free-standing signs, excluding street name signs;
  - l. Streams, waterways and bodies of water;
  - m. Floodway and one hundred-year flood plain;
  - n. Unique natural features such as springs, caves, etc;
  - o. Significant geologic data;
  - p. General sewer, water supply, fire hydrants, and drainage plans;
  - q. Any other information reasonably deemed necessary by the department of community development.
- (2) A location map showing the relationship of the project area to the portion of the county in which it is located;
- (3) Supporting documentation to include the following:
- a. A legal description of the project boundaries or certified surveyors plats depicting the parcel(s) of the project area;
  - b. A statement of existing property owners, and, if appropriate, a copy of a contract to purchase and/or documentation of the establishment of unified control;
  - c. Names and addresses of all adjacent property owners, including those across a street or road, for the purpose of public hearing notice;
- (4) A narrative statement, to include the following:
- a. A statement of project development objectives and character to be achieved;
  - b. An approximate development schedule including proposed dates for the beginning and completion of construction and a phasing plan, if appropriate;
  - c. A statement of intention regarding future selling or leasing of land areas, structures, etc.;
  - d. Building types including architectural style, height, and floor area; number of floors, approximate building height and approximate first floor area;



- e. Provisions which will govern the use, maintenance and protection of the property, including, but not limited to private streets, sidewalks, bicycle and pedestrian paths, parking areas, signs, utilities, storm drainage facilities, open space, screening, buffers, landscaping and lighting.

(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.6. Master plan review.**

In addition to any other requirements set forth in this article, the submittal of a request to rezone and to review a master plan shall follow the procedure described in article VIII, § 17-209. If the board of supervisors approves the rezoning request, a copy of the master plan shall remain on file in the department of community development.

(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.7. Final plan submission and review.**

(a) *Final plan application.* Following the approval of the master plan, the applicant shall furnish to the department of community development nine (9) copies of a final plan of all or any part of the project shown on the master plan.

(b) *Final plan requirements.* The final plan shall be prepared and certified by a duly licensed professional surveyor, engineer, or architect, as defined in and limited to §54.1-400 in the Code of Virginia. The following information, in accordance with the master plan and narrative statement, shall be shown on the final plan:

- (1) Property lines and subdivision lot lines, if any, showing metes and bounds;
- (2) Proposed use(s) of the property;
- (3) Structures, showing:
  - a. Location, dimensions, and height;
  - b. Square footage and use of each floor;
  - c. Architectural style;
- (4) Location and type of outdoor recreational facilities or other use(s) not contained within a building;
- (5) Public or community amenities within the area;
- (6) Natural features, such as tree cover, streams, waterways, springs, caves, and significant geologic features;
- (7) Location of the floodway and one hundred-year flood plain;

- (8) Location of all permanent open space, buffers and screening, specifying which areas are to be left in a natural state or to be landscaped;
- (9) Location of and specific use(s) of open space, showing the amenities within, such as picnic areas, seating or playground equipment;
- (10) Location, size, and type of all buffers along adjoining properties and between use areas within the PCD;
- (11) Type of landscaping, or description of the approved natural state to be preserved, along adjoining or internal roads or streets, around or within parking areas, and in all open space within the limits of the final plan;
- (12) Location of all streets and roads, fire lanes, connections to existing public or private streets or roads, and street names;
- (13) Pedestrian and bicycle circulation routes;
- (14) On-street and off-street parking areas showing individual parking spaces to be provided. Parking space requirements for the PCD district are not subject to the general parking and loading requirements stated elsewhere in this ordinance, but a plan for parking shall be provided on or with the final plan verifying adequate parking with calculations and/or supporting documentation. Supporting documentation may include, but is not limited to, such items as use-specific needs, pedestrian and bicycle use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly or seasonal use parking, availability of general use parking areas, and mass transportation available;
- (15) Location of all free-standing signs, excluding; traffic control, parking, or directional signs;
- (16) Connections to approved water and sewer systems, the location of water and sewer distribution and collection lines, and the location of fire hydrants;
- (17) Rights-of-ways and easements. Rights-of-way and easements shall be provided through the project area for water, sewer, gas, power, telephone, and other utilities, as required by the respective utility departments, agencies, or companies;
- (18) Erosion and sedimentation control measures;
- (19) Stormwater management plan.

(c) *Compliance with master plan.* The final plan shall be in substantial conformance with the master plan but may vary from it to any degree the planning commission believes does not vary the basic concept or character of the development. Any final plan considered by the planning commission to depict a change in the basic concept or character of the development, as shown on the master plan, shall require an amendment to the master plan. The process for an amendment to the master plan is the same as the process for rezoning.

(d) *Submittal of copy of recorded final plan.* Applicant shall submit a copy of the recorded final plan or plat to the department of community development where it shall be kept on file.

(e) *Final plan consideration.* Within sixty (60) days after receipt of a final plan application, the planning commission shall review the final plan and the staff recommendation and shall approve or deny the final plan. No public hearing is required for final plan consideration. When the planning commission has approved the final plan, the zoning administrator shall mark the final plan as approved for recordation. The final plan shall be recorded with the clerk of the circuit court of the county within twelve (12) months after planning commission approval. Failure to record an approved final plan within this specified time shall make the final plan null and void.

(f) *Issuance of building permits.* No building permits shall be issued within the project area until a final plan and/or a final plat, if required, has been approved by the county and recorded under the procedures cited in § 17-36.6(e) and chapter 16, subdivision of land, of the County Code, as applicable.

(g) *Subdivision requirements.* Should there be subdivision lot lines shown on the approved final plan, in addition to recordation of the final plan, platting shall comply with the requirements for preliminary and final plats in chapter 16 of the County Code.

(h) *Bonding required.* Should there be no subdivision lot lines shown on the approved final plan, the developer or owner of the project shall furnish an acceptable performance bond for the purpose of securing all improvements proposed on the final plan prior to the issuance of any building permits. Should there be subdivision lines shown on the approved final plan the developer or owner of the project shall furnish an acceptable performance bond for the purpose of securing all improvements proposed on the final plan prior to the approval of the final subdivision plat. Bonding shall be in accordance with the the county bonding policy. (P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.8. Project development.**

(a) *Required improvements.* All improvements shown on the final plan shall be installed by the developer at no cost to the county. In cases where specifications have been established by state or local agencies, the provisions of this chapter or other ordinances of the county, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and approved by the appropriate official(s). The county may retain a portion of the bond until such time as the street is taken into the VDOT system.

(b) *Changes in final development.* No changes may be made in the approved final plan during construction of the planned development except upon application to the County under the following procedure:

- (1) Minor changes in the location, setting, dimensions, or character of buildings, structures, fire lanes, and fire hydrants may be authorized by the planning commission if required by engineering or other circumstances not foreseen at the time of final plan approval.
- (2) All other changes in the use, rearrangement of lots, building tracts, streets, fire lanes, fire hydrants, parking, open space, and all other changes in the approved final plan by the developer,

owner, or agent shall require an amendment to the master plan pursuant to the procedure outlined in section 17-36.5. Amendments may be made to the final plans when they are shown to be required by changes in conditions that have occurred since the final plan was approved, or by changes in the development policy of the community, with the approval of the planning commission.

- (c) *Failure to begin development.* If no construction has begun, or no use established in the planned commercial development within one (1) year from the approval of the final plan, the final plan shall lapse and be of no further effect. In its discretion and for good cause, the planning commission may, upon receipt of written application, extend for one (1) year the period for beginning construction or the establishment of a use. If a final plan lapses under the provisions of this section, the zoning administrator shall file with the clerk of the circuit court of the county a notice of revocation with the final plan or the subdivision plat, or both.

(P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-36.9. Adding additional acreage or uses.**

(a) Additional land may be added to an existing planned commercial development if it is adjoining, forms a logical addition to the existing development, and is under the same ownership or unified control. For the purpose of this subsection, a public road does not prevent lands being considered as adjoining.

(b) The application procedure for an adding additional acreage shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.

(c) The addition of a permitted use, which is not shown on the approved master plan, shall require an amendment to the master plan. The procedure to amend the master plan shall be the same as if an original application were filed. All of the requirements of this chapter shall apply.

(P.C. Ord. No. 02-09, 9-25-02)

### **DIVISION 6.**

#### **RESIDENTIAL OR RECREATIONAL DISTRICT RR-1**

#### **Sec. 17-37. Purpose and intent.**

This district is designed to provide for housing development in rural and mountainous areas of Rockingham County that are generally unsuitable for intensive agricultural use. Desired locations consist of areas having limitations restricting agricultural uses. The district further recognizes two (1) types of development with the RR-1:

- (a) *RR-1--Residential.* This type of development is intended to provide space for low density residential development of an exclusive nature, intended for full-time residences.
- (b) *RR-1--Recreational.* This type of development is intended for low density recreational housing. Generally situated in mountainous and wooded areas, the development is characterized by

housing used as part-time residences or retreats.  
(P.C. Ord. No. 84-5, § 606.01, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

**Sec. 17-38. Permitted uses.**

Within residential or recreational district--RR-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Church or house of worship, no closer than fifty (50) feet to any other lot line in the district;
- (b) Single-family dwelling;
- (c) Park, pond lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
- (d) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (e) Signs as provided for in article VII, division 5;
- (f) Water filling station, natural source;
- (g) Water hauling;
- (h) Greenhouse, private;
- (i) Residential human care facility.
- (j) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(k) Single-family dwelling with independent living quarters.  
(P.C. Ord. No. 84-5, § 606.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-10, 5-24-94; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

**Sec. 17-39. Special uses.**

When, after review of an application and hearing, thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Child care center;

- (b) Family day-care center;
- (c) School, private;
- (d) School, public;
- (e) Police, fire, or rescue station;
- (f) Domestic animal, domestic, up to one (1) animal unit per acre, not to exceed a total of four (4) animal units except that there shall be no more than five (5) birds or fowl per lot.
- (g) Signs as provided for in article VII, division 5;
- (h) Cemetery;
- (i) Water filling station, confined source.
- (j) Silviculture.
- (k) Telecommunications facility as provided by article VII, division 6A of this chapter.
- (l) Telephone exchange cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; or telephone exchange building. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be include, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit approval).

- (m) Manufactured home, not including manufactured home parks or subdivisions.

(P.C. Ord. No. 84-5, § 606.03, 10-10-84; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. 6-90, 5-23-90; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 01-3, 1-10-01; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 05-16, 12-14-05)

#### **Sec. 17-40. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation as provided for in article VII, division 4;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Private garage;
- (d) Accessory buildings; as provided for in article III;

(e) Swimming pools.

(P.C. Ord. No. 84-5, § 606.04, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-41. Lot size.**

The minimum lot area in an RR-1 district shall be two and one-half (2 1/2) acres. Every lot within an RR-1 subdivision shall be approved by the health department for the installation of septic tanks or have community system approved by the health department or director of public works, when applicable, prior to final subdivision approval.

(P.C. Ord. No. 84-5, § 606.05, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-42. Frontage.**

All lots shall front on a public street or front on a private right-of-way at least fifty (50) feet in width. The minimum frontage shall be one hundred (100) feet at the setback line.

(P.C. Ord. No. 84-5, § 606.06, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-43. Covenants.**

The owner's consent and dedication on the final plat shall contain a restrictive covenant specifying the requirements of this section. Thereafter, no conveyance, whether by developer or subsequent owner, of any lot fronting on a private right-of-way shall be recorded unless the deed of conveyance is signed by the grantee and contains language and is accompanied by a duly recorded restrictive covenant to specify that:

- (a) No request will be made to have the lot herein conveyed served by a public street unless, and until the private street serving said lot has been dedicated and constructed, at no cost to the county or the Virginia Department of Transportation, in accordance with the current Subdivision Street Regulations, as amended from time to time, of the Virginia Department of Transportation with the exception of minimum right-of-way width which shall be in all instances a minimum of fifty (50) feet in width. To the extent that such roads shall meet the requirements of the Virginia Department of Transportation, the requirements of the subdivision ordinance (chapter 16) are hereby modified. No request will be made to the county for school bus service until the streets have been made public as set forth herein.
- (b) Grantee is required to belong to a property owner's association for the maintenance of the private streets within a subdivision, and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.
- (c) In lieu of the property owner's association, provided above, such deed shall contain a provision for payment of a fixed annual assessment to the developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of the developer or third party to make a fixed annual assessment.
- (d) The annual assessment aforesaid shall constitute a lien on said property.

(P.C. Ord. No. 84-5, § 606.07, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

**Sec. 17-44. Private street standards in an RR-1 residential district.**

In a proposed residential estates development, the following standards for streets and for plans and bonding shall be required. As a minimum, streets shall be constructed as a single lane with twelve feet wide roadbed, crowned with ditches and culvert pipes, or outsloped with dips. Provision shall be made for ten (10) feet by fifty (50) feet turnouts at one thousand (1,000) maximum spacing, and extra width curve widening for tri-axle trucks. The standards in the table in section 17-45 shall also be followed.

(P.C. Ord. No. 84-5, § 606.08, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

**Sec. 17-45. Same--Table.**

Private street standards RR-1 district. (See Table 17-45.)

(P.C. Ord. No. 84-5, § 606.09, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

**Sec. 17-46. Public street standards.**

Should an rR-1 subdivision be intended to have public streets, the streets shall be constructed, at no cost to the county or the Virginia Department of Transportation, in accordance with the current subdivision street requirements, as amended from time to time, of the Virginia Department of Transportation with the exception of minimum right-of-way width which shall be in all instances a minimum of fifty (50) feet in width. To the extent that such roads shall meet the requirements of the Virginia Department of Transportation, the requirements of the subdivision ordinance (chapter 16) are hereby modified.

(P.C. Ord. No. 84-5, § 606.10, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

Table 17-45

Road Grade (% of Slope)	Roadbed, Type and Drainage	Surfacing
0 to 5%	Crowned (three (3) percent) with side ditch and culvert pipes spaced at two hundred (200) foot maximum, or outsloped (three (3) percent) with dips spaced at one hundred fifty (150) foot maximum.	The need for crushed aggregate is to be determined and based on traffic volume, use season, soil type, and safety.
5 to 10%	Crowned with (three (3) percent) side ditch and culvert pipes spaced at one hundred fifty (150) foot maximum, or outsloped (three (3) percent) with dips spaced at one hundred fifty (150) foot maximum.	The need for crushed aggregate is to be determined and based on traffic volume, use season, soil type and safety.
10 to 15%	Crowned (three (3) percent) with side ditch and culvert pipes spaced at one hundred forty (140) foot maximum.	Crushed aggregate or pit run aggregate.



15 to 20%	Crowned (three (3) percent) with side ditch and culvert pipe spaced at one hundred thirty (130) foot maximum.	Crushed aggregate.
Above 20%	Crowned (three (3) percent) with erosion control stone lined side ditch and culvert pipe spaced at one hundred twenty (120) foot maximum.	Asphalt pavement or asphalt surface treatment (chip and seal).

#### **Sec. 17-47. Plans and bonding.**

Prior to approval of the final plat, plans shall be submitted for drainage, street, and any other improvements. After approval of the final plat, no lot, land, or unit may be sold or conveyed until the applicant furnishes a bond in accordance with county bonding policy. The costs of drainage, private street, and any other improvements, as shown in the plans and specifications, shall be calculated by a professional engineer licensed to practice in the state of Virginia and in an amount acceptable to the county. Upon certification by a professional engineer that the improvements have been completed in accordance with standards of the county, the bond may be released by the subdivision agent.

(P.C. Ord. No. 84-5, § 606.09, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-48. Resubdivision.**

In an existing RR-1 zoned subdivision, resubdivision may be permitted with a minimum lot size of two and one-half (2 1/2) acres, provided there is an agreement in writing of all the owners of lots shown on the plat of the subdivision for the resubdivision. Should there not be agreement of all owners, an ordinance for resubdivision may be heard before and considered for adoption by the board of supervisors. Such ordinance shall not be adopted until after notice has been given as required by Section 15.1-431 of the Code of Virginia, 1950, as amended. Appeals from adoption shall adhere to Section 15.1-482(b) of the Code of Virginia, 1950, as amended. The requirements of the Subdivision Ordinance (chapter 16) are hereby modified to the extent that resubdivision in an RR-1 district shall meet the provisions of this paragraph.

(P.C. Ord. No. 84-5, § 606.11, 10-10-84; P.C. Ord. No. 95-3, 3-22-95)

### **DIVISION 6A.**

#### **PLANNED GROWTH DISTRICT PG**

##### **Sec. 17-48.1. Purpose and intent.**

This district is intended to provide an area of transition between agricultural zones and the intensive residential, commercial and industrial zones. The district recognizes that some portions of a community development area, as designated in the comprehensive plan of Rockingham County, may not develop in the near future or in the manner foreseen in the comprehensive plan. Thus the Planned Growth district provides more flexibility than intensive use zoning while remaining more restrictive than agricultural zoning. It is intended that this district be applied to properties within the community development areas not platted for intensive

development that, due to the low short-term prospects of the availability of community facilities and in consideration of existing land uses, the greater flexibility of uses permitted in this district will not lessen the potential for the community development area to eventually develop as planned.  
(P.C. Ord. No. 8-88, (part), 8-24-88; P.C. Ord. No. 95-3, 3-22-95)

#### **Sec. 17-48.2. Permitted uses.**

Within the Planned Growth district, land to be used or buildings to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Single-family dwelling;
- (b) Manufactured home, not including manufactured home parks or subdivisions;
- (c) School, no closer than fifty (50) feet to adjoining lot line, on a minimum of three (3) acres;
- (d) Church, no closer than fifty (50) feet to adjoining lot line;
- (e) Park, pond, lake, pedestrian trail, walkway, bikeway, playground or bridle path;
- (f) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (g) Signs as provided in article VII, division 5;
- (h) Water filling station, natural source;
- (i) Water hauling;
- (j) Greenhouse, but not open to the public;
- (k) Residential human care facility.
- (l) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).
- (m) Single-family dwelling with independent living quarters.

(P.C. Ord. No. 8-88, (part), 8-24-88; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 01-3, 1-10-01; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

#### **Sec. 17-48.3. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, herein, the

board of supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter and the planned land use as indicated in the land use plan for the community service area, and is in the public interest, the following uses may be permitted by a special use permit:

- (a) Cemetery;
- (b) Community center;
- (c) Greenhouse; open to public;
- (d) Wayside stand;
- (e) Child care center;
- (f) Boarding house;
- (g) Home for adults;
- (h) Group home;
- (i) Family day care;
- (j) Reserved;
- (k) Two-family dwelling, converted from a single-family residential structure;
- (l) Police, fire and rescue station;
- (m) Governmental, administrative or service building;
- (n) Telephone exchange cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).
- (o) Signs as provided for in article VII, division 5;
- (p) Country inn;
- (q) Water filling station, confined source.

(r) Orchard;

(s) Domestic animal, domestic, up to one (1) animal unit per acre, not to exceed a total of four (4) animal units except that there shall be no more than five (5) birds or fowl per lot.

(t) Telecommunications facility as provided by Article VII, Division 6A of this chapter.

(P.C. Ord. No. 8-88, (part), 8-24-88; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 95-3, 3-22-95; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 05-16, 12-14-05)

#### **Sec. 17-48.4. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

(a) Private garage;

(b) Temporary buildings and office trailers for uses incidental to construction work, provided that such buildings shall be removed upon completion or abandonment of the construction work;

(c) Home occupation.

(d) Accessory buildings; as provided for by article III;

(e) Swimming pools.

(P.C. Ord. No. 8-88, (part), 8-24-88; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 95-3, 3-22-95)

### **DIVISION 7.**

#### **LOW DENSITY RESIDENTIAL DISTRICT R-1**

#### **Sec. 17-49. Purpose and intent.**

This district is composed of existing low density residential areas and certain other areas which are conducive to similar limited residential development. It is primarily designed to provide and encourage a safe and suitable environment for family life. The regulations of this district are designed to stabilize and protect the essential character of this district through the following means:

(a) Residential development shall be carefully restricted in regard to both density and type of structure.

(b) All activities of a commercial or industrial nature or those likely to generate undue noise, light, dust, odors, smoke, crowds, traffic, and other substances disruptive to the essential character of this district shall be prohibited.

(c) Certain specified uses, such as parks or churches, which serve the residents of this district

without disturbing the essential character and qualities of this district shall be allowed.  
(P.C. Ord. No. 84-5, § 607.01, 10-10-84)

**Sec. 17-50. Permitted uses.**

Within low density residential district R-1, land to be used or structures to be erected for one (1) or more of the following uses, with parking as required by article VII:

- (a) Single-family dwelling;
- (b) School, public or private, three (3) acre minimum, no closer than fifty (50) feet to adjoining lot line;
- (c) Church, no closer than fifty (50) feet to adjoining lot line;
- (d) Park, lake, pedestrian trail, walkway, bikeway, playground, or bridle path (public or private);
- (e) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (f) Signs as provided for in article VII;
- (g) Water filling station, natural source;
- (h) Water hauling;
- (i) Residential human care facility.
- (j) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

- (k) Single-family dwelling with independent living quarters.

(P.C. Ord. No. 84-5, § 607.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

**Sec. 17-51. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with the surrounding uses, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two

(192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

- (b) Signs as provided for in article VII;
- (c) Cemetery;
- (d) Water filling station, confined source.

- (e) Reserved.

(P.C. Ord. No. 84-5, § 607.03, 10-10-84; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02)

#### **Sec. 17-52. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer be removed upon completion or abandonment of the construction work;
- (b) Private garage;
- (c) Accessory buildings as provided for by Article III.
- (d) Gardening;
- (e) Home occupation.

(P.C. Ord. No. 84-5, § 607.04, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

### **DIVISION 8.**

#### **MEDIUM DENSITY RESIDENTIAL DISTRICT R-2**

#### **Sec. 17-53. Purpose and intent.**

This district is composed of existing medium density residential areas and certain other areas which are conducive to similar limited residential development. This district is designed to provide more flexible residential development alternatives, while at the same time preserving the basically quiet nature of a residential neighborhood. The regulations of this district are designed to stabilize and protect the essential character of this

district through the following means:

- (a) Residential development shall be restricted in regard to both density and type of structure.
- (b) All activities of a commercial nature, or those likely to produce undue noise, light, dust, odors, smoke, crowds, traffic, and other substances disruptive to the essential character of this neighborhood shall be prohibited.
- (c) Certain specified uses, such as parks or churches, which serve the residents of this district without disturbing the essential character and qualities of this district shall be allowed.
- (d) Special uses, when they do not violate the essential character of this district, shall be considered on an individual case basis following the procedure outlined in article VIII.

(P.C. Ord. No. 84-5, § 608.01, 10-10-84)

**Sec. 17-54. Permitted uses.**

Within medium density residential district R-2, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Any use permitted in low density residential district (R-1);
- (b) Two-family dwellings;
- (c) Golf course;
- (d) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (e) Signs as provided for in article VII;
- (f) Water filling station, natural source;
- (g) Water hauling;
- (h) Residential human care facility;
- (i) Dwelling, two-unit attached;
- (j) Dwelling, duplex;
- (k) Telephone exchange cabinet with above ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department);

(l) Single-family dwelling with independent living quarters.  
(P.C. Ord. No. 84-5, § 608.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 96-2, 1-24-96; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

**Sec. 17-55. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Telephone exchanges cabinet with above ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).
- (b) Signs as provided for in article VII;
- (c) Cemetery;
- (d) Water filling station, confined source.
- (e) Reserved.

(P.C. Ord. No. 84-5, § 608.03, 10-10-84; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02)

**Sec. 17-56. Accessory uses.**

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation as provided for in article VII;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Private garage;
- (d) Accessory buildings as provided for by Article III.
- (e) Gardening.



## **DIVISION 9.**

### **GENERAL RESIDENTIAL DISTRICT R-3**

#### **Sec. 17-57. Purpose and intent.**

This district is composed of existing medium to high density residential areas, ordinarily located between residential and commercial areas, and certain other open areas conducive to this type of residential development. This district is intended to provide for maximum residential development flexibility, utilizing a variety of residential alternatives. While allowing for a variety of uses, this district is still primarily residential and uses should be compatible with this basic nature of the district. The regulations of this district are designed so as to allow maximum flexibility in residential development, while at the same time preserving the essential character of a residential district. This policy shall be implemented by the following means:

- (a) All activities of a commercial or industrial nature or those likely to cause undue noise, light, dust, odors, smoke, crowds, traffic, and other substances disruptive to the essentially residential character of this district shall be sharply curtailed.
- (b) Provisions are made for certain nonresidential uses which serve the people of this district without destroying its essentially residential character. These uses are necessitated by the high density of population in this district and subsequent increased demands for a variety of services.
- (c) Special uses, when they do not violate the primarily residential nature of this district, may be considered on an individual case basis, following the administrative procedure as outlined in article VIII.

(P.C. Ord. No. 84-5, § 609.01, 10-10-84)

#### **Sec. 17-58. Permitted uses.**

Within general residential district R-3, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII.

- (a) Any use permitted in medium density residential district (R-2);
- (b) Boarding house operation;
- (c) Child care center;
- (d) Community center;
- (e) Condominiums;
- (f) Multi-family dwelling;

- (g) Professional office;
- (h) Family day-care home;
- (i) Fraternity or sorority house;
- (j) Group home;
- (k) Nursing home, home for adults, or assisted living facility.
- (l) Residential clubhouse;
- (m) Townhouse, in accordance with section 17.117;
- (n) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (o) Housing for the elderly or physically handicapped;
- (p) Signs as provided for in article VII;
- (q) Water filling station, natural source;
- (r) Water hauling;
- (s) Residential human care facility;
- (t) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department);

- (u) Single-family dwelling with independent living quarters.

(P.C. Ord. No. 84-5, § 609.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 00-13, 11-15-00; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 04-03, 1-28-04)

#### **Sec. 17-59. Special uses.**

When, after a review of an application and hearing thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Art gallery, library, or museum;

- (b) Clinic service;
- (c) Hospital, general or special care;
- (d) Pharmacy;
- (e) Rehabilitation facility;
- (f) Club;

(g) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

- (h) Signs as provided for in article VII;
- (i) Cemetery;
- (j) Water filling station, confined source.

(k) Reserved.

(P.C. Ord. No. 84-5, § 609.03, 10-10-84; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02)

#### **Sec. 17-60. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation as provided for in article VII;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Private garage;
- (d) Accessory buildings as provided for by Article III;
- (e) Gardening.

(P.C. Ord. No. 84-5, § 609.04, 10-10-84; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

#### **Sec. 17-61. Requirements for uses.**

Before a building permit shall be issued for certain permitted uses in this district, or a permit issued for certain new uses, plans in accordance with article VIII shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modification of the plans may be required by the zoning administrator or planning commission.  
(P.C. Ord. No. 84-5, § 609.05, 10-10-84)

## **DIVISION 10.**

### **RESIDENTIAL PLANNED COMMUNITY DISTRICT R-4**

#### **Sec. 17-62. Purpose and intent.**

This district is intended to permit development, in accordance with a master plan of cluster-type communities in a manner that will protect and preserve the natural resources, trees, watersheds, contours, and topographic features of the land, protect and enhance the natural, scenic beauty; and permit the greatest amount of recreational facilities by leaving as permanent open area not less than twenty-five (25) percent of the total acreage. Within such communities, the location and all improvements shall be controlled in such manner as to permit a variety of housing accommodations in an orderly relationship to one another, with the greatest amount of open area and the least disturbance to natural features. "Open area" shall include parks, lakes, roads, roadways, walkways, trails, towers, school sites, playground and recreational facilities, golf and other sports facilities, nonresidential clubhouse grounds and rights-of-way and surface easements for drainage and other utilities over areas not within the lines of any residential lot. A residential planned community district may include a variety of residential accommodations and light commercial facilities in village centers to an extent necessary to serve the neighborhood needs of the particular residential planned community.  
(P.C. Ord. No. 84-5, § 610.01, 10-10-84)

#### **Sec. 17-63. Qualifying requirements.**

Land may be considered for R-4 residential planned community district zoning only if it meets the following conditions:

- (a) Ownership and project area requirements. The project area must consist of, at the time of application, at least one thousand (1,000) contiguous acres under one (1) ownership or control. The holder of a written option to purchase land shall, for the purpose of such application, but not for approval of any final plans, be deemed to be an owner of such land;
- (b) Availability of public utilities. The project area must be located where public water and sewer systems are available or where a community water and sewer system can be developed as part of the project;
- (c) Land suitability. Rezoning land to R-4 residential planned community district may be denied if, from investigation conducted by all public agencies concerned, it has been determined that the land is not suitable for development because of inadequate road access, inadequate community facilities, negative environmental impact, nonconformity to the county comprehensive plan or other health, welfare, or safety objectives.

(P.C. Ord. No. 84-5, § 610.02, 10-10-84; P.C. Ord. No. 10-87, (part), 10-14-87)

**Sec. 17-64. Permitted uses.**

All uses permitted by right or by special use permit in the low density residential district R-1 or in the medium density residential district R-2 as described in this chapter shall be permitted as in the respective districts in the residential planned community. Water treatment facilities and sewage treatment facilities meeting all requirements of public service district S-1 within this chapter shall be permitted. In addition, the following uses are permitted, subject to the limitations hereinafter provided:

- (a) Sports facilities, including golf course, country club, ski slope and lodge, tennis court, or swimming pool;
- (b) All recreational facilities;
- (c) Park, lake, pedestrian trail, walkway, playground, or bridle trail;
- (d) Riding stable or horse show area;
- (e) Reserved;
- (f) Public or private recreation area;
- (g) Campground;
- (h) Fire, police, or rescue station;
- (i) Church;
- (j) Public utilities, necessary to serve the community, including telephone exchange;
- (k) School sites;
- (l) Uses as approved in specific cases by the planning commission and limited to the following types:
- (m) Multi-family residential, including condominium or townhouse;
- (n) Commercial or certain public uses as described in sections 17-65(c) and (d);
- (o) Telecommunications facility by special use permit as provided by Article VII, Division 6A of this chapter.
- (p) Water filling station, natural source;
- (q) Water hauling;

(r) Residential human care facility;

(s) Single-family dwelling with independent living quarters.

(P.C. Ord. No. 84-5, § 610.03, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 21-92, § 2, 12-16-92; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 04-03, 1-28-04)

#### **Sec. 17-65. Same--Limitations.**

(a) Commercial and certain public uses shall be located in village centers shown on the master plan and on the final plan. Village centers shall be light commercial and office areas within which neighborhood commercial uses are permissible. Village centers contain certain public uses which permit the social, cultural, and service needs of the community to be met;

(b) Not more than twelve (12) acres are to be devoted to commercial and certain public uses per one thousand (1,000) people permitted in the residential planned community, and such uses are to be limited to the areas designated as village centers on the master plan and on the final plan;

(c) Commercial uses permissible in a village center and not otherwise permitted within the district shall be limited to restaurants, stores, motels and hotels, indoor and outdoor theater productions, snack bars, and offices;

(d) Certain public uses permissible in a village center and not otherwise permitted within the district shall be limited to fire, police, and rescue stations, residential clubhouses, lodges, community centers, and churches;

(e) Uses in a residential planned community shall be permissible only in the general location shown on the approved master plan as hereinafter set forth;

(f) The use of any area within a residential planned community shall be shown on the final plan as hereinafter set forth.

(g) Time-share uses shall be allowed only in those areas designated on the approved master plan as "D" areas for time-share units.  
(P.C. Ord. No. 84-5, § 610.04, 10-10-84; P.C. Ord. No. 7-91, 5-8-91)

#### **Sec. 17-66. Master plan and application.**

(a) Pre-application conference. The applicant is encouraged to confer with the zoning administrator and director of planning prior to submission of a master plan to allow a mutual exchange of information, requirements, and objectives;

(b) Application requirements. The application for rezoning, together with ten (10) copies of a master plan prepared by a surveyor, engineer, or architect authorized to practice within this state shall be filed with the zoning administrator. Such application shall include the following information as a minimum:

- (1) Proposed master plan to include the following:
  - (a) General location and various types of land use areas;
  - (b) Approximate location of the open areas which shall comprise not less than twenty-five (25) percent of the whole;
  - (c) General location of village centers with density calculations for commercial housing units;
  - (d) General location of each residential classification and with density calculations for each;
  - (e) Proposed street system including public and private right-of-way;
  - (f) Reserved; see section 17-72(b)(11);
  - (g) General location of structures including all residential units other than duplexes, two-unit attached, and detached single-family residences;
  - (h) Quantitative data including the number and type of dwelling units, number and type of commercial housing units, gross residential densities, and planned acreage of each land use area classification;
  - (i) Proposed pedestrian circulation system.
- (2) Scale accurate base mapping of the project area to include the following data:
  - (a) Property lines of the project area;
  - (b) Existing street right-of-way;
  - (c) Waterways and water bodies;
  - (d) Existing contour lines at twenty-foot intervals.
- (3) A location map showing the relationship of the project area to the portion of the County in which it is located;
- (4) Natural features mapping of the project area to include the following data:
  - (a) Existing land use;
  - (b) Significant geologic data;
  - (c) 100-year floodplain;

- (d) Unique natural features such as springs, caves, scenic overlooks, etc.
- (5) Supporting documentation and plans to include the following data:
  - (a) A legal description of the project boundaries or certified surveyors plats depicting parcels of the project area;
  - (b) A statement of existing property owners;
  - (c) Names and addresses of all adjacent property owners and those immediately across a street or road for purpose of public hearing notice;
  - (d) A statement of project development objectives and character to be achieved;
  - (e) An approximate development schedule including dates of proposed construction beginning and completion and staging plan, if appropriate;
  - (f) A statement of intention regarding future selling or leasing of land areas, dwelling units, commercial areas, etc.;
  - (g) Proposed building types including architectural style, height, and floor area;
  - (h) Approvals from the resident engineer and the county health officer;
  - (i) Proposed agreements, provisions, or covenants which govern the use, maintenance, and continued protection of property to be held in common ownership;
  - (j) A statement of proposed temporary and permanent erosion and sedimentation control measures to be taken;
  - (k) General sewer, water supply, and drainage plans.

(P.C. Ord. No. 84-5, § 610.05, 10-10-84; P.C. Ord. No. 10-87, (part), 10-14-87; P.C. Ord. No. 05-12, 10-26-05)

#### **Sec. 17-67. Master plan review.**

- (a) Public hearing. Upon receipt of the required application material which shall be considered an application for rezoning to R-4 residential planned community, the zoning administrator, as authorized by the board of supervisors and the planning commission, shall give notice as required by the Code of Virginia, 1950, as amended, of a joint public hearing.
- (b) Planning commission review. Within sixty (60) days after a public hearing on the rezoning request or master plan amendments, the director of planning shall review the application and prepare written recommendations to the planning commission for approval, disapproval, or approval with modification, stating the reasons for these recommendations. The planning commission shall review the application and staff report and prepare a written recommendation to the board of supervisors within ninety (90) days after the first meeting



of the commission at which the request or amendment was referred to the commission.

(c) Board of supervisors review. The planning commission's recommendation shall be forwarded to the board of supervisors. If the master plan is approved by the board of supervisors, the zoning map shall be amended to show the R-4 residential planned community district.

(d) Status of approval. No building permits shall be issued within the project area until a final plan or final plat has been approved by the county under the procedures under section 17-72 and chapter 16 of the county code, as applicable.

(e) Master plan amendment. Any change in a final plan which is considered by the planning commission to be a change in the basic concept or character of the planned community, shall require an amendment to the master plan. In the event such an amendment is required, the same master plan requirements in section 17-66(b)(1) shall be met and, additionally, written notice shall be given to the owners of record or their agents of all abutting property and property immediately across the street or road of the area proposed to be amended on the master plan. If any such property is shown as "open area," the required written notice shall be given to the property owner's association. Notice of the public hearing shall include a brief description of the nature and character of the proposed amendment.  
(P.C. Ord. No. 84-5, § 610.07, 10-10-84)

#### **Sec. 17-68. Adding additional acreage.**

(a) Additional land area may be added to an existing residential planned community if it is adjoining and forms a logical addition to the existing residential planned community and if it is under the same ownership or control. For the purpose of this subsection, a public road does not prevent lands to be considered as adjoining.

(b) The procedure for an application shall be the same as if an original application were filed, and all of the requirements of this chapter shall apply, other than the minimum acreage requirement.  
(P.C. Ord. No. 84-5, § 610.08, 10-10-84)

#### **Sec. 17-69. Population density--Permitted.**

(a) The overall population density shown on the master plan of a residential planned community shall not exceed an average density of five (5) persons per acre in the project area.

(b) Four (4) types of residential density areas and one commercial housing area shall be permitted in the residential planned community generally in the location shown on the master plan. Such density areas shall be designed as follows:

- (1) "A" areas for detached single-family dwelling units;
- (2) "B" areas for duplex or townhouse units;
- (3) "C" areas for duplex or multi-family units, including condominiums, of not more than three (3) stories above ground;

- (4) "D" areas for time share dwelling units, whether detached single-family, townhouses, duplex or multi-family.
- (5) Village centers for residential clubhouse, hotels and motels.
- (c) Reserved.

(d) The population density with a "A" area shall not exceed ten (10) persons per acre of gross residential area which term gross residential shall include roads within such area; the population density within a "B" area shall not exceed twenty-five (25) persons per acre of gross residential area; and the population density of a "C" area shall not exceed thirty (30) persons per acre of gross residential area. The population density for a "D" area shall not exceed fifteen (15) persons per acre of gross residential area. The population density for a village center shall not exceed three (3) persons per acre of gross residential area. (P.C. Ord. No. 84-5, § 610.09, 10-10-84; P.C. Ord. No. 7-91, 5-8-91)

#### **Sec. 17-70. Population density--Computing.**

(a) In computing average density on any final plan of a part of a residential planned community, any excess in land area over that required to support an average density of five (5) persons per acre of gross area in any final plan previously approved by the planning commission, may be included. So, as each successive final plan is submitted, the overall density of all areas shown on approved final plans within the residential planned community shall be recomputed so that the average population density of aggregate gross area within all the approved sections of the community shall never, at any time in the history of its development, exceed a density of five (5) persons per acre.

- (b) Density shall be calculated based on the following:

<i>Dwelling Type</i>	<i>People/Dwelling Unit</i>
Single family detached	3.7
Duplex or townhouse	3.0
Multi-family	2.0
Time-share	3.0
Time-share with lockout, 2 bedroom	3.0
Time-share with lockout, 3 bedroom	3.5
Time-share with lockout, 4 or more bedrooms	4.5
Clubhouse, hotel or motel	1.5

(P.C. Ord. No. 84-5, § 610.10, 10-10-84; P.C. Ord. No. 7-91, 5-8-91)

#### **Sec. 17-71. Site design requirements for master plans and final plans.**

When specified, the following requirements shall be shown on either the master plan or final plan. If unspecified, the requirement shall pertain to both the master plan and the final plan:

- (a) Maximum density. The overall population density shown on the master plan of a residential

planned community shall not exceed an average density of five (5) persons per acre in the project area;

- (b) Permanent open area. Not less than twenty-five (25) percent of the total acreage of the project shall be devoted to open area;
- (c) Functional relationship. The master plan shall be designed for convenient relationships between the various functional areas of the project;
- (d) Lot design. The lot design, arrangement, and shape shall be such that lots will provide satisfactory and desirable sites for buildings, be properly related to topography and provide convenient and safe access;
- (e) Street access. The street system within the project area shall be designed:
  - (1) According to functional street purposes and traffic flow;
  - (2) To discourage through traffic;
  - (3) To assure safe and convenient sight distances, turning movements, and property access;
  - (4) To complement the natural topography;
  - (5) In coordination with existing and planned streets.
- (f) Street names and signs. The name of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place, lane or court. Proposed streets which are obviously in alignment with other already existing streets shall bear the name of the already existing street. Street names may not be shown on the master plan but shall be indicated on the final plan. Street signs shall be provided at all intersections.
- (g) Pedestrian circulation. Provision shall be made for sidewalks and pedestrian walkways which will enable residents, visitors, or patrons to walk safely and conveniently between the various functional areas of the project and adjacent circulation systems;
- (h) Parking. Off-street parking shall be provided in adequate amounts and in convenient locations. Wherever feasible, parking areas should be designed to preserve natural amenities and should avoid excessive concentrations of pavement by scattered landscaping and tree planting. Generally, two (2) parking spaces should be provided for each dwelling unit. For other uses, for mixed use parking, or for shared parking, supporting documentation and a plan for parking shall be submitted with the final plan for planning commission approval. Supporting documentation may include, but is not limited to, such items as use-specific parking needs, pedestrian- and bicycle-use statistics, hours of operation, number of employees, off-site employee parking, alternating hourly- or seasonal-use parking, availability of general-use parking areas, shuttle services provided, and mass transportation availability;

- (i) Water and sewer. All planned residential districts shall be served by collective water and sewer systems as follows:
  - (1) Wherever feasible, the project area water and sewer lines shall be connected to existing public systems;
  - (2) Where connections to existing public water or sewer systems are not feasible, the developer shall provide community water or sewer systems.
- (j) Community facilities. Reservation or dedication of land for schools, fire stations, or other community facilities may be required if the need is created by the project area development or if proposed on the county comprehensive plan;
- (k) Fire hydrants. Fire hydrants shall be provided throughout the project area in such locations to provide adequate fire protection. Fire hydrants may not be shown on the master plan but shall be indicated on the final plan;
- (l) Drainage. The master plan shall include a plan for adequate drainage. The street and lot plan shall be designed to avoid drainage problems. Where storm drains or drainage ditches are required, or where an existing waterway or drainage way traverses the projected area, an easement or right-of-way shall be provided on the final plan with adequate improvements to contain the drainage flows from the tributary area upstream of the watershed;
- (m) Floodways. Land subject to flooding and land deemed to be topographically unsuitable shall not be platted for residential occupancy, nor for other such uses as may increase danger of health, life, or property, or aggravate erosion or flood hazard. Such land within the project area shall be used as common open space or other uses which would not be endangered by periodic or occasional inundation or shall not produce conditions contrary to public welfare;
- (n) Easements. Easements through the project area shall be provided on the final plan for water, sewer, gas, telephone, power, and other utilities as required by the respective utility departments, agencies, or companies;
- (o) Grading. Plans shall be designed to minimize the amount of grading required for development. To the extent feasible, the natural lay of the land shall be maintained except where grading is required for public health or safety;
- (p) Natural amenities. The developer shall make every reasonable effort to protect and preserve the natural amenities of the site such as tree cover, waterways, scenic overlooks, etc. The master plan shall be designed to maximize the use and enjoyment of natural amenities by project residents;
- (q) Landscaping and screening. Landscaping and screening may be required to improve the project appearance or to provide a buffer between potentially conflicting uses.

(P.C. Ord. No. 84-5, § 610.11, 10-10-84; P.C. Ord. No. 00-4, 2-23-00)

## **Sec. 17-72. Final plan review.**

(a) *Final plan application.* Following the establishment of a residential planned community by approval of the board of supervisors of a master plan, thereof, the applicant shall furnish to the department of community development ten (10) copies of a final plan. The final plan shall be prepared or certified by a surveyor, engineer, or architect.

(b) *Final plan requirements.* The final plan shall contain in final form for a part, a section, or for the whole project area, the information required in the master plan and in supporting documentation and plans as required in sections 17-66(b)(1) and (5). In addition to considering the design requirements of this district, the final plan shall meet the applicable requirements and procedure of the site plan ordinance section 17-206 and/or chapter 16 subdivision ordinance.

(c) *Phasing plan.* If the project area is to be developed in stages, a phasing plan shall be submitted with the final plan. The phasing plan shall delineate the areas to be developed in each phase and the approximate development schedule of each phase.

(d) *Deed of dedication.* The applicant shall furnish with a final plan a proposed deed of dedication including restrictions safeguarding the permanent use of open areas shown on the master plan and contained within the area of the final plan for the purpose of preventing encroachment thereupon. The applicant shall furnish simultaneously with, or prior to, approval of any final plan, a deed or deeds without consideration to any land within its area determined by the board of supervisors to be reasonably required for the particular community for public school purposes.

(e) *Compliance with master plan.* The final plan shall be in substantial compliance with the approved master plan but may vary from it to any degree which the director of community development and/or planning commission believes does not vary the basic concept or character of the development.

(f) *Final plan approval.* Should there be no subdivision lot lines proposed on the final plan, an acceptable performance bond shall be furnished by the developer or applicant for the purpose of securing all improvements proposed on the final plan prior to approval of the final plan by the department of community development. When the final plan or deed of dedication shall have been approved by the department of community development as being in conformity with this district and the master plan as approved by the board of supervisors, the final plan or deed of dedication shall be approved for the purpose of obtaining building permits. The department of community development may at any time refer the final plan to the planning commission for final review and approval. Any person aggrieved by a decision of the department of community development may appeal said decision to the county administrator within ten (10) days after the department's decision. Should there be subdivision lot lines proposed on the approved final plan, platting shall comply with platting requirements for final plats in chapter 16 of this code. Before any final plat is approved, an acceptable performance bond shall be furnished by the developer or subdivider for the purpose of securing all improvements on the final plat.

(P.C. Ord. No. 84-5, § 610.12, 10-10-84; P.C. Ord. No. 10-87, (part), 10-14-87; P.C. Ord. No. 00-4, 2-23-00; P.C. Ord. No. 05-04, 5-25-05)

## **Sec. 17-73. Building approval and location.**

(a) If final plan approval only is required, building permits shall be issued in sections of the project area only after a final plan has been approved for such section. However, if a final plat is additionally required, building permits shall be issued in sections of the project area only after a final plat has been approved for such section.

(b) The location of all structures shall be shown on a final plan as required in section 17-71 other than detached single-family dwellings. The proposed location and arrangement of structures shall not be detrimental to the existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood.

(c) Open spaces between structures shall be protected where necessary by adequate covenants running with the land, conveyances, or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage, no minimum width, and no frontage requirement on a public or private street in a residential planned community district except as shown on an approved final plan.  
(P.C. Ord. No. 84-5, § 610.13, 10-10-84)

#### **Sec. 17-74. Streets.**

(a) Private streets are permitted in this district. Private streets need not meet requirements of the Virginia Department of Transportation, but shall meet requirements of Chart I under subsection (g) of this section and to that extent the requirements of the subdivision ordinance (chapter 16) are hereby modified.

(b) All streets, private or public, shown on final plans shall be coordinated with the existing or planned streets shown on the master plan and the county comprehensive plan.

(c) Any dedicated public streets shown on any final plan shall meet all requirements of the Virginia Department of Transportation. Certification of the resident engineer of the transportation department shall be required in such connection and any public street shall be coordinated with the major transportation network shown on the county comprehensive plan.

(d) To the extent streets are private rather than public, the applicant must also submit assurances satisfactory to the planning commission that a property owners association has been legally established under which the lots, land, or units within the area of the final plan will be assessed for the cost of maintaining private streets, and that each property owner agrees that no request will be made to have their lot, land, or units served by a public street unless and until the private street serving such property has been dedicated and constructed, at no cost to the county or the Virginia Department of Transportation, in accordance with the current subdivision street requirements, as amended from time to time, of the Virginia Department of Transportation. To the extent that such roads shall meet the requirements of the Virginia Department of Transportation, the requirements of the subdivision ordinance (chapter 16) are hereby modified.

(e) The uniqueness of each proposal for a residential planned community requires that the specifications for the width, grades, surfacing, construction and geometric design of streets, alleys, ways for public utilities, and the specifications, if any, for curbs, gutter, sidewalks, street lights, and stormwater drains shall be subject to modification from the specifications otherwise applicable under other laws or ordinances of the county or state. If such modification is requested by the applicant, or if the engineering plans for streets submitted by applicant at the time of submission of the final plans discloses that modifications are needed, the

same shall be granted if the planning commission finds that rigid adherence to such specifications are not required in the interests of the residents of the planned community and that such modifications are not inconsistent with the interests of the county.

(f) It shall be the responsibility of the applicant to demonstrate to the satisfaction of the planning commission with the respect to any requested waiver or modification:

- (1) That the waiver or modification will result in design and construction that is in accordance with accepted engineering standards;
- (2) That the waiver or modification is reasonable because of the uniqueness of the residential planned community or because of the large area of the residential planned community within which the nature and excellence of design and construction will be coordinated, preplanned, and controlled;
- (3) That any waiver or modification as to streets is reasonable with respect to the generation of vehicular traffic that is estimated will occur within the area of the master plan;
- (4) That any waiver or modification as to sidewalks in "B," "C," and "D" density areas be justified on the basis of anticipated pedestrian traffic, or because other provisions are made for pedestrian traffic;
- (5) That traffic lanes of streets are sufficiently wide to carry the anticipated volume and speed of traffic and in no case less than ten (10) feet wide; and
- (6) That waivers or modifications as to base and surface construction of streets and as to the construction of ditches or drainage ways be based upon soil tests for CBR value and erosion characteristics of the particular sub-grade soils in the area.

(g) In no case shall the planning commission grant waivers or modifications as to widths of streets that will permit less than the minimum requirements on Table 1 in section 17-75.  
(P.C. Ord. No. 84-5, § 610.14, 10-10-84)

#### **Sec. 17-75. Project development.**

(a) Required improvements. All improvements shown on the final plan shall be installed by the developer at his cost. In cases where specifications have been established by state departments, the provisions of this chapter or other ordinances of the county, such specifications shall be followed. The developer's performance bond shall not be released until construction has been inspected and approved by the appropriate official;

Table 17-74

#### **R-4 Minimum Requirements**

	"A" Density Area	"B," "C," & "D" Density Areas and Village Centers
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Vehicles	Traffic Lanes		Parking Lanes		Traffic Lanes		Parking Lanes***	
Per Day	Number	Width	Number	Width	Number	Width	Number	Width
Up to 400	2	10'	1*	8'	2	10'	1*	8'
401 to 3,000	2	11'	1*	8'	2	11'	2*	8'
3,001 to 5,500	2	12'	2**	8'	2	12'	2**	12'
Over 5,500	4	12'	2**	10'	4	12'	2**	12'
* Required if curb is used. Without curb, shoulders shall be a minimum of five (5) feet wide.								
** Required if curb is used. Without curb, shoulders shall be a minimum of eight (8) feet.								
*** Not required if off street parking is provided in the form of parking bays or parking lots at the rate of one and one-half (1 1/2) parking spaces per living unit in "B," "C," and "D" density areas.								

(b) Monuments. Monuments shall be provided to permanently identify right-of-way lines. The monuments shall be installed as set out in table 17-74:

Concrete monuments four (4) inches in diameter or square, three (3) feet long, with a flat top, shall be put at all street corners, at points where the street lines intersect the exterior boundaries of the project area, and at right angle points, and points of a curve in each street. The top of the monument shall have an indented cross to identify properly the location and shall be set flush with the finishing grade.

(c) Plans and specifications. Two (2) blue or black line prints of the plans and specifications of all required physical improvements to be installed shall be prepared by a licensed engineer certified by the State and shall be submitted with the final plan. If disapproved, all papers shall be returned to the developer with the reason for disapproval stated in writing.

(d) Maintenance of common property. The developer shall create a property owner's association to be responsible for maintaining all common property. The cost of maintaining common property shall be paid by property owners assessments and such assessments shall constitute a lien upon the individual properties.

(e) Changes in final development. No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:

- (1) Minor changes in the location, setting, and character of buildings and structures may be authorized by the planning commission if required by engineering or other circumstances not foreseen at the time the final plan was approved. No changes authorized by this Section may increase the cubic volume of any building or structure by more than ten (10) percent;
- (2) All other changes in use, any rearrangement of lots, blocks, and building tracts, any changes in the provisions of common open spaces, and all other changes in the approved final plan by the developer or any succeeding owner, or agent must be made under the procedure authorized by this district. No amendments may be made in the approved final plans unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community;

(f) Development schedule and review. The construction and provision of all facilities and improvements on common property which are shown on the final plan must proceed at the same rate as the



construction of dwelling units. If after six (6) months of the issuance of building permits for the planned development, the zoning administrator finds that the rate at which facilities and improvements on common property have been constructed and provided is not in accordance with the original development schedule, he shall forward this information to the building official who shall not issue any additional building permits until the scheduled facilities and improvements on common property have been provided.

(g) Failure to begin development. If no construction has begun, or no use established in the planned development within one (1) year from the approval of the final plan, the final plan shall lapse and be of no further effect. In its discretion and for good cause, the planning commission may, upon receipt of written application, extend for one (1) additional year the period for beginning of construction or the establishment of a use. If a final plan lapses under the provisions of this section, the clerk shall file a notice of revocation with the recorded final plan and/or subdivision plat. The zoning regulations applicable before the final plan was approved shall then be automatically in effect.  
(P.C. Ord. No. 84-5, § 610.15, 10-10-84)

## **DIVISION 11.**

### **PLANNED RESIDENTIAL DISTRICT R-5**

#### **Sec. 17-76. Applicability.**

All provisions of the residential planned community district R-4 shall apply to this district unless hereinafter excepted, substituted, or modified. To further extent, all provisions numbered in the subdivision 10 series in the R-4 district become numbered in the subdivision 11 series for purposes of this R-5 district.  
(P.C. Ord. No. 84-5, § 611.00, 10-10-84)

#### **Sec. 17-77. Purpose and intent.**

Section 17-62. Purpose and intent of R-4, is excepted and substituted as hereafter:

The purpose of this district is to permit greater flexibility and consequently, more creative and imaginative designs for the development of residential areas than is generally possible under the more detailed requirements of the zoning and subdivision ordinance. It is further intended to achieve the following objectives:

- (a) To create residential environments with a diversity of housing types, amenities, and services with a harmonious site design;
- (b) To provide more usable tracts of open space for recreation, conservation, or other common benefits;
- (c) To preserve the natural landscape features and amenities within developed area;
- (d) To attain more efficient development by grouping buildings, thereby resulting in smaller networks of streets and utilities.

(P.C. Ord. No. 84-5, § 611.01, 10-10-84)

## **Sec. 17-78. Qualifying requirements.**

Section 17-63(a), project area requirements, is modified as hereafter:

- (a) The project area must consist of, at the time of application, at least five (5) acres and under one thousand (1,000) contiguous acres under one (1) ownership or control.

(P.C. Ord. No. 84-5, § 611.02-1, 10-10-84)

## **Sec. 17-79. Permitted uses.**

Permitted uses, section 17-64, are excepted and substituted as hereafter:

- (a) Permitted uses. All uses permitted by right or by special use permit in the low density residential district R-1, in the medium density residential district R-2, and in the general residential district R-3, and water treatment and sewage treatment facilities meeting the requirements of the public service district S-1 of this chapter shall be permitted in the planned residential district R-5:
- (b) In addition to the permitted uses, other commercial or noncommercial service uses may be permitted, provided that:
  - (1) Such uses are intended primarily to serve the needs of the project area residents;
  - (2) Such uses are designed and located for the convenience of project area residents and to protect the character of the district;
  - (3) All subsequent changes in use shall be approved by the planning commission or its agent;and
  - (4) All commercial uses shall not total more than twenty (20) percent of the total project area.
- (c) Any of the uses permitted above, or any use not specifically permitted herein, shall be permitted in the planned residential district R-5 only as approved in the final plan.
- (d) Water filling station, natural source.
- (e) Water hauling;
- (f) Residential human care facility;
- (g) Temporary recreational uses.

(P.C. Ord. No. 84-5, §§ 611.03, 611.03-1, 611.04, 10-10-84; amended for recodification, 1987; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 95-10, 5-24-95; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00; P.C. Ord. No. 04-03, 1-28-04; P.C. Ord. No. 05-13, 10-26-05)

## **Sec. 17-80. Temporary recreational uses.**

Recreational uses of a temporary nature may be located in areas designated for development in later phases. A final plan shall be submitted for administrative approval to the department of community development. The final plan shall describe the temporary recreational use, its location, and the expected duration of the use.

(P.C. Ord. No. 05-13, 10-26-05)

#### **Sec. 17-81. Open space in commercial areas.**

When the development project contains a commercial area, no less than 15 percent of the commercial area shall be developed as open space. The open space within the commercial area shall be considered a portion of the 25 percent open space required for the total project.

(P.C. Ord. No. 05-13, 10-26-05)

#### **Sec. 17-82. Master plan and application.**

Section 17-66 is excepted and substituted as hereafter:

(a) Section 17-66(b)(1)(c): Requirement excepted.

(b) Section 17-66(b)(1)(h): Requirement is excepted and substituted hereafter:

(h) Quantitative data including the number and type of dwelling units, parcel sizes, gross and net residential densities, total amount and percentage of open space, residential, commercial, and other land use types.

(P.C. Ord. No. 84-5, § 611.05, 10-10-84)

#### **Sec. 17-83. Population density.**

Section 17-69 Population density--Permitted, through section 17-70, Population density--Computing, are excepted.

(P.C. Ord. No. 84-5, § 611.09, 10-10-84)

#### **Sec. 17-84. Maximum density.**

Section 17-71(a) Maximum density, is excepted and substituted hereafter:

(a) Maximum density. The gross residential density shall not exceed eight (8) dwelling units per acre.

(P.C. Ord. No. 84-5, § 611.11, 10-10-84)

#### **Sec. 17-85. Streets--Project development.**

Section 17.74(f)(4) and table 17-74, "C," and "D" densities and village centers are excepted and substituted hereafter:

- (a) Condominiums for "C" density
- (b) Multifamily residential for "D" density

- (c) Commercial for village centers.

(P.C. Ord. No. 84-5, § 611.14, 10-10-84; amended for recodification, 1987)

## **DIVISION 12.**

### **MANUFACTURED HOME DISTRICT MH-1**

#### **Sec. 17-86. Purpose and intent.**

This district is designed to allow low-cost residential opportunities in the form of manufactured home parks and manufactured home subdivisions in locations where such uses are compatible with adjoining land uses. Concentrations of manufactured homes are recognized as a viable and practical means of housing with certain regulations herein provided.

(P.C. Ord. No. 84-5, § 612.01, 10-10-84)

#### **Sec. 17-87. Permitted uses.**

Within manufactured home district MH-1, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Manufactured home parks in accordance with article VII;
- (b) Manufactured home subdivisions in accordance with article VII;
- (c) Housing management offices for manufactured home parks, child care centers, laundry facilities, indoor recreation facilities, swimming pools, playgrounds and other outdoor recreation facilities, and any other service facilities or permanent buildings that directly serve the manufactured home residents, provided that such uses are subordinate to the residential use and character of the district.
- (d) Water filling station, natural source.
- (e) Water hauling.
- (f) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(P.C. Ord. No. 84-5, § 612.02, 10-10-84; amended for recodification, 1987; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02)

### **Sec. 17-88. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Neighborhood commercial uses provided they are designed and intended to meet those needs of the manufactured home residents and the immediate neighborhood;
- (b) Signs as provided in article VII;
- (c) Water filling station, confined source.
- (d) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

(P.C. Ord. No. 84-5, § 612.03, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02)

### **Sec. 17-89. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Home occupation provided that the requirements of article VII are met;
- (b) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (c) Private garage;
- (d) Accessory buildings as provided for by Article III.
- (e) Gardening.

(P.C. Ord. No. 84-5, § 612.03, 10-10-84; P.C. Ord. No. 98-10, 9-23-98; P.C. Ord. No. 03-09, 10-22-03)

## **DIVISION 13.**

### **GENERAL BUSINESS DISTRICT B-1**

### **Sec. 17-90. Purpose and intent.**

(a) This district is located primarily within communities of Rockingham County possessing or having the potential for a high concentration of commercial activities. The district also contains certain other sites where strategic location and public accommodation make them suitable for the uses permitted within this district. It is designed to provide a wide range of retail sales and services to the public at convenient, concentrated locations. Focusing commercial activities within these areas is aimed at preventing scattered or strip development incompatible with adjoining existing uses. This district is further intended to widen the economic base of Rockingham County and provide a balance of concerns in accordance with related policy objectives of the comprehensive land use plan.

(b) The regulations of this district are designed to encourage consolidation of commercial activities, whenever possible, and also permit these activities in areas where geographic location renders them suitable for this type of development. These aims shall be accomplished through the implementation of the following general policies:

- (1) Sufficient space shall be provided for this district in the most heavily frequented sections of communities and other appropriate sites.
- (2) Activities in this district shall not be characterized by heavy trucking, except for business related stocking or delivery. Uses permitted in this district shall not create a public nuisance, aside from the incidental light, noise, and other factors associated with large gatherings of people and motor vehicles.
- (3) All activities within this district shall be conducted within a completely enclosed building unless excepted from enclosure, or where outside display is allowed with special use permit approval, or where the nature of the activity makes it impossible to be conducted in a completely enclosed building. Outside display shall be in accordance with section 17-116.1.
- (4) Uses of a less commercial nature, such as professional or administrative offices shall be utilized, whenever possible, to provide a buffer between the more heavily commercial sections of this district and adjoining residential or agricultural districts.

(P.C. Ord. No. 84-5, § 613.01, 10-10-84; P.C. Ord. No. 04-04, 5-26-04)

#### **Sec. 17-91. Permitted uses.**

Within general business district B-1, land to be used or buildings to be erected for one (1) or more of the following uses with the parking as required in article VII and including, but not limited to, the following:

- (a) Specialty shops including:
  - (1) Art supply or framing shop,
  - (2) Antique shop,
  - (3) Pawn shop,

- (4) Swap shop,
  - (5) Gift shop,
  - (6) Ceramic shop,
  - (7) Florist;
- (b) Crafts shop;
- (c) Bakery;
- (d) General country or convenience store, vehicular fuel pumps excepted from enclosure;
- (e) Seed or feed store;
- (f) Retail businesses including:
  - (1) Household appliance store,
  - (2) Pharmacy,
  - (3) Hardware store,
  - (4) Furniture store,
  - (5) Clothing store,
  - (6) Grocery store,
  - (7) Department store;
- (g) Bicycle, sports equipment, or motorcycle store;
- (h) Shopping mall;
- (i) Catalog sales;
- (j) Bus station;
- (k) Building, plumbing, electrical supply, sales;
- (l) Bank, savings and loan, or other financial office, including drive-in type;
- (m) Horticultural or agricultural use including:

- (1) Nursery operation, excepted from enclosure,
  - (2) Greenhouse,
  - (3) Farmers market, excepted from enclosure;
- (n) Fruit packing plant;
- (o) Community and recreational uses including:
  - (1) Community center,
  - (2) Club,
  - (3) Park, lake, pond, pedestrian trail, walkway, bikeway, playground, excepted from enclosure,
  - (4) Golf driving range, excepted from enclosure,
  - (5) Theater productions (indoor),
  - (6) Theater productions (outdoor),
  - (7) Library, art gallery, museum;
- (p) Schools including:
  - (1) Business or commercial,
  - (2) Trade or vocational;
- (q) Automotive enterprises including:
  - (1) Car wash,
  - (2) Auto sales lot, excepted from enclosure,
  - (3) Auto service station, vehicular fuel pumps, excepted from enclosure,
  - (4) Auto dealership,
  - (5) Public garage,
  - (6) Repair or servicing,
  - (7) Auto parts supply;



(r) Service enterprises including:

- (1) Beauty or barber shop,
- (2) Cabinet, furniture, woodworking, upholstery shop,
- (3) Carpet and rug cleaning service,
- (4) Laundromat, dry cleaners, laundry,
- (5) Machine, welding, or blacksmith shop,
- (6) Repair or servicing,
- (7) Funeral home,
- (8) Machinery sales and service,
- (9) Monument works and sales, excepted from enclosure as to monuments,
- (10) Photography studio;

(s) Church or other house of worship;

(t) Food establishments including:

- (1) Restaurant,
- (2) Snack bar,
- (3) Drive-in, eating or drinking facility,
- (4) Delicatessen;

(u) Offices including:

- (1) Medically oriented office.
- (2) Business and other than medically oriented office,
- (3) General or trade contractor's office;

(v) Laboratory operations including:

- (1) Medical,

- (2) Dental,
  - (3) Pharmaceutical,
  - (4) Research or developmental;
- (w) Animal related businesses including:
  - (1) Animal hospital,
  - (2) Kennel operation,
  - (3) Pet sales;
- (x) Health services or facilities including:
  - (1) Clinic service,
  - (2) Hospital,
  - (3) Hospital, special care;
- (y) Rehabilitation service;
- (z) Radio or television activities excluding telecommunications facility;
- (aa) Reserved.
- (ab) Police, fire, or rescue station;
- (ac) Governmental, administrative, or service building;
- (ad) Sale of travel trailers, manufactured homes, campers;
- (ae) Hotel, motel;
- (af) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (ag) Signs as provided in article VII;
- (ah) Water filling station, natural source;
- (ai) Water hauling.

- (aj) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(P.C. Ord. No. 84-5, § 613.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02)

## **Sec. 17-92. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, of this chapter the board of supervisors finds as a fact that the proposed is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Boarding house operation;
- (b) Recreation or amusement enterprise (inside a building for profit and not otherwise listed herein);
- (c) Recreation or amusement enterprise (outside a building for profit and not otherwise listed herein);
- (d) Auction sale;
- (e) Assembly hall;
- (f) Circus, carnival, fair, sideshow, tent meeting, music festival of a temporary nature, or flea market;
- (g) One dwelling unit associated with a permitted use;
- (h) Livestock sales pavilion;
- (i) Riding stable or horse show area;
- (j) Wholesale sales, storage facility;
- (k) Warehouse, adjacent to business primary use;
- (l) Cemetery;
- (m) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall be included, and the site shall be landscaped and maintained pursuant to such plan (or amended

plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

- (n) Signs as provided in article VII;
- (o) Relief center;
- (p) Taxidermy;
- (q) Gun shop;
- (r) Water filling station, confined source;
- (s) Truck terminal;
- (t) Truck stop;
- (u) Small contractor's business;
- (v) Animal shelter;
- (w) Telecommunications facility as provided by Article VII, Division 6A of this chapter;
- (x) Heritage center;
- (y) Antique shop, with outside display;
- (z) Craft shop, with outside display;
- (aa) Sale of lawn ornaments with outside display;
- (ab) Produce auction.

(P.C. Ord. No. 84-5, § 613.03, 10-10-84; P.C. Ord. No. 86-6, 8-13-86; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 13-91, 8-28-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 21-92, § 5, 12-16-92; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 02-07, 9-11-02; P.C. Ord. No. 04-04, 5-26-04; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-02, 4-27-05)

**Editors Note:** P.C. Ord. No. 21-92, § 5, added subsection (v), which the editor has redesignated (v) since P.C. Ord. No. 15-92 had previously added subsection (v).

### **Sec. 17-93. Accessory uses.**

Where an area is devoted to a permitted use, customary accessory uses and structures are authorized including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer be removed upon completion or abandonment of the construction work;

(b) Private garage.  
(P.C. Ord. No. 84-5, § 613.04, 10-10-84; P.C. Ord. No. 98-10, 9-23-98)

**Sec. 17-94. Requirements for uses.**

(a) Before a building permit shall be issued or construction commenced on any permitted main use in this district, or a permit issued for a new main use, the plans, in sufficient detail to show the operations or processes and in accordance with section 17-206, when applicable, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required by the zoning administrator or planning commission.

(b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards;

(c) Sufficient area may be required to adequately screen permitted uses from adjacent zoning districts.  
(P.C. Ord. No. 84-5, § 613.05, 10-10-84)

**DIVISION 14.**

**RURAL BUSINESS SERVICE DISTRICT B-2**

**Sec. 17-95. Purpose and intent.**

This district is designed to accommodate rural neighborhood convenience service and retail uses in an orderly nodal development pattern in accordance with the related policy objectives of the comprehensive land use plan. This district is intended to be correlated with the Rural Service District RS-1 in that provision is made for the establishment of rural business uses necessary to meet the community needs of rural service centers and their surrounding areas. It is further intended that the standards of this district will constitute harmonious and appropriate development considerate of surrounding uses, contribute to the economic base and otherwise carry out the purpose of this district. All business uses shall be conducted within a completely enclosed building unless excepted from enclosure or where outside display is allowed with special use permit approval, or where the nature of the activity makes it impossible to be conducted within a completely enclosed building. Outside display shall be in accordance with section 17-116.1.

(P.C. Ord. No. 84-5, § 614.01, 10-10-84; P.C. Ord. No. 04-04, 5-26-04)

**Sec. 17-96. Permitted uses.**

Within rural business service district B-2, land to be used or buildings to be erected for one (1) or more of the following uses with parking as required in article VII:

(a) Specialty shops as follows:

(1) Florist,

- (2) Art supply or framing shop,
  - (3) Antique shop,
  - (4) Pawn shop,
  - (5) Swap shop,
  - (6) Gift shop,
  - (7) Ceramic shop,
  - (8) Crafts shops;
- (b) Bakery;
- (c) General country or convenience store, vehicular fuel pumps excepted from enclosure;
- (d) Seed or feed store;
- (e) Retail businesses generally recognized for supply of commodities to residents of adjacent rural areas as follows:
  - (1) Pharmacy,
  - (2) Hardware store,
  - (3) Clothing store,
  - (4) Grocery store;
- (f) Catalog sales;
- (g) Bank, savings and loan or other financial office, including drive-in type;
- (h) Horticultural or agricultural uses as follows:
  - (1) Nursery operation, excepted from enclosure,
  - (2) Greenhouse,
  - (3) Farmers market, excepted from enclosure,
  - (4) Fruit packing plant;

- (i) Community and recreational uses as follows:
  - (1) Community center,
  - (2) Club,
  - (3) Park or playground, excepted from enclosure,
  - (4) Library, art gallery, museum;
- (j) Schools as follows:
  - (1) Business or commercial,
  - (2) Trade;
- (k) Service enterprises as follows:
  - (1) Auto service station, fuel pumps excepted from enclosure,
  - (2) Beauty or barber shop,
  - (3) Cabinet, furniture, woodworking, or upholstery shop,
  - (4) Carpet or rug cleaning service,
  - (5) Laundromat, dry cleaners, laundry,
  - (6) Machine, welding, or blacksmith shop,
  - (7) Public garage,
  - (8) Clinic service,
  - (9) Funeral home,
  - (10) Machinery sales or service,
  - (11) Photography studio,
  - (12) County inn;
- (l) Food establishments as follows:
  - (1) Restaurant,

- (2) Snack bar,
  - (3) Drive-in (eating or drinking facility);
- (m) Offices as follows:
  - (1) Medically oriented office,
  - (2) Business or other professional office,
  - (3) General or trade contractor's office;
- (n) Laboratory operations:
  - (1) Medical,
  - (2) Dental,
  - (3) Pharmaceutical,
  - (4) Research or developmental;
- (o) Governmental, administrative, or service building;
- (p) Public utilities (not including telephone exchange cabinets) unless special use permit required in this district.
- (q) Signs as provided in article VII;
- (r) Church or other house of worship;
- (s) Water filling station, natural source;
- (t) Water hauling.
- (u) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(P.C. Ord. No. 84-5, § 613.04, 10-10-84; P.C. Ord. No. 3-89, 3-22-89; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02)

#### **Sec. 17-97. Special use.**

When, after review of an application and hearing thereon, in accordance with article VIII of this chapter,



the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public interest, the following uses may be permitted with a special use permit:

- (a) Business uses listed as permitted uses in this district which require servicing, storage, or processing outside a completely enclosed building, other than uses with specified exceptions. In addition, may include:
  - (1) Auto sales lot,
  - (2) Car wash,
  - (3) Auction sale,
  - (4) Livestock sales pavilion;
- (b) Community and recreational uses unless otherwise permitted for this district and other than uses with specified exceptions. May include the following:
  - (1) Assembly hall,
  - (2) Circus, carnival, fair, sideshow, music festival, tent meeting of a temporary nature, or flea market,
  - (3) Golf driving range,
  - (4) Riding stable or horse show area,
  - (5) Recreation or amusement enterprise, inside a building, for profit,
  - (6) Recreation or amusement enterprise, outside a building, for profit,
  - (7) Theater production, outdoor,
  - (8) Cemetery;
- (c) Taxidermy;
- (d) Retail shop or store, unless otherwise permitted for this district;
- (e) Telecommunications facility as provided by Article VII, Division 6A of this chapter.
- (f) Telephone exchanges cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet; telephone exchange building; pumping station or tower; energy products transmission lines, or public utility transformer station; not including service or storage yard. As a part of the special use permit application, a landscaping and maintenance plan for the site shall

be included, and the site shall be landscaped and maintained pursuant to such plan (or amended plan as approved by the board of supervisors as a part of the special use permit process except that requests for energy transmission lines shall be exempt from the landscaping and maintenance plan).

- (g) Relief center;
- (h) Signs as provided in article VII;
- (i) Water filling station, confined source;
- (j) Small contractor's business;
- (k) Animal hospital;
- (l) Heritage center;
- (m) Antique shop, with outside display;
- (n) Craft shop, with outside display;
- (o) Sale of lawn ornaments with outside display.
- (p) Produce auction.
- (q) One dwelling unit associated with a permitted use.

(P.C. Ord. No. 84-5, § 614.03, 10-10-84; P.C. Ord. No. 86-7, 8-13-86; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 21-92, § 4, 12-16-92; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 02-12, 9-25-02; P.C. Ord. No. 02-07, 9-11-02; P.C. No. 04-04, 5-26-04; P.C. Ord. No. 05-01, 2-23-05; P.C. Ord. No. 05-02, 4-27-05)

**Editors Note:** Section 4 of P.C. Ord. No. 21-92, added subsection (j), which the editor has redesignated (k) since P.C. Ord. No. 15-92 had previously added subsection (j).

#### **Sec. 17-98. Accessory uses.**

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work;
- (b) Public or private parking garage.

(P.C. Ord. No. 84-5, § 614.04, 10-10-84; P.C. Ord. No. 98-10, 9-23-98)

#### **Sec. 17-99. Requirements for uses.**

- (a) Before a building permit shall be issued or construction commenced on any permitted main use

in this district, or a permit issued for a new main use, the plans, in sufficient detail to show the operations and processes and in accordance with section 17-206, when applicable, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required by the zoning administrator or planning commission;

(b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards;

(c) Sufficient area may be required:

(1) To adequately screen permitted uses from adjacent zoning districts; and

(2) For off-street parking of vehicles incidental to the business, its employees, and clients.

(P.C. Ord. No. 84-5, § 614.05, 10-10-84)

## **DIVISION 15.**

### **GENERAL INDUSTRIAL DISTRICT M-1**

#### **Sec. 17-100. Purpose and intent.**

The purpose of this district is to provide for the more intensive industrial and commercial uses necessary to create a strong balanced economic base in Rockingham County. These uses shall be strategically located near an adequate labor supply and regulations herein are designed to protect adjacent residential and other districts from adverse effects such as excessive light, noise, and other factors commonly associated with these uses. All uses are required to be enclosed or screened unless excepted and all uses shall include parking as required in article VII.

(P.C. Ord. No. 84-5, § 615.01, 10-10-84)

#### **Sec. 17-101. Permitted uses.**

Within general industrial district M-1, land to be used for structures to be erected for one (1) or more of the following uses:

- (a) Slaughterhouse;
- (b) Assembly of electrical appliances, electronic instruments and devices, radios or phonographs. Also, the manufacture of small parts, such as coils, condensers, transformers, or crystal holders;
- (c) Automobile assembling, painting, upholstering, repairing, rebuilding, reconditioning, body and fender work, truck repairing or overhauling, tire retreading or recapping or battery manufacture;
- (d) Blacksmith shop, welding or machine shop, excluding punch presses, exceeding forty (40) ton rated capacity and drop hammer;

- (e) Laboratories: pharmaceutical, medical, dental, research, or development;
- (f) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, or toiletries;
- (g) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious metals or stones, shell, straw, textiles, tobacco, wood, yarn, or paint;
- (h) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- (i) Manufacture of musical instruments, toys, novelties, and rubber or metal stamps;
- (j) Manufacture of wood products: cabinets, furniture, or upholstery shops;
- (k) Machinery sales and service, excepted from enclosure as to inventory;
- (l) Boat building;
- (m) Monumental works and sales, excepted from enclosure as to inventory;
- (n) Public utility generating, booster or relay station, telephone exchange, transformer substation; transmission lines and towers and other facilities for the provision and maintenance of public utilities, including railroads and facilities, or water and sewerage installations other than public utilities included in public service district S-1, but excluding telecommunications facility;
- (o) Beverage manufacturing, bottling, or distribution facilities and food processing, packaging, or distribution;
- (p) Brewery or associated activities;
- (q) Public or private parking garage;
- (r) Book or printed matter distribution;
- (s) Building, plumbing, electrical supply and sales (with storage under cover);
- (t) Fruit packing plant;
- (u) Police, fire, or rescue station;
- (v) Repair or servicing (not otherwise listed herein);

- (w) Warehouse;
- (x) Wholesale sales, storage;
- (y) School, trade;
- (z) Printing activities, including, but not limited to, all prepress operations, one-color and multicolor press work, soft and hard cover binding, shipping and warehousing of paper, other materials and finishing products, ink storage, manufacturing, and trailer storage;
- (aa) Signs as provided in article VII;
- (ab) Merchandise receiving, storage, shipping, distribution and non-store sales centers, including associated activities and facilities, such as, but not limited to, offices, automated operations and computer facilities;
- (ac) Data processing centers;
- (ad) Water filling station, natural source;
- (ae) Water hauling;
- (af) Truck terminal;
- (ag) Contractor, general or trade;
- (ah) Public garage.

(P.C. Ord. No. 84-5, § 615.02, 10-10-84; P.C. Ord. No. 19-86, 11-12-86; P.C. Ord. No. 10-89, 12-13-89; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 13-91, 8-28-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 96-4, 2-14-96; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00)

## **Sec. 17-102. Special uses.**

When after review of an application and hearing thereon, in accordance with article VIII of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, is in the public interest and will comply with all other provisions of law and ordinances of Rockingham County, the following uses may be permitted:

- (a) Auto graveyard;
- (b) Junkyard;
- (c) Quarry or gravel pit operation;
- (d) Well drilling and related pumping stations;

- (e) Livestock sales pavilion;
- (f) Commercial exhibition, circus, carnival, or fair;
- (g) Sale of travel trailers, manufactured homes, campers, excepted from enclosure;
- (h) Building, plumbing, electrical supplies and sales, (with outdoor storage);
- (i) Coal and wood yard, lumber yard, feed mill, feed or seed store;
- (j) Concrete molding operation;
- (k) Animal hospital, kennel;
- (l) Batching plant for asphalt, concrete;
- (m) Airport, heliport, or flight strip;
- (n) Animal husbandry;
- (o) Agriculture;
- (p) Commercial as permitted in the B-1 district;
- (q) Signs as provided in article VII;
- (r) Water filling station, confined source;
- (s) Truck stop;
- (t) Animal shelter.

(u) Telecommunications facility as provided by Article VII, Division 6A of this chapter.  
(P.C. Ord. No. 84-5, § 615.03, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 13-91, 8-28-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 97-1, 3-26-97; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97)

### **Sec. 17-103. Accessory uses.**

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work.  
(P.C. Ord. No. 84-5, § 615.04, 10-10-84)

#### **Sec. 17-104. Requirements for uses.**

- (a) Before a building permit shall be issued or construction commenced on any permitted main use in this district, or a permit issued for a new main use, the plans, in sufficient detail to show the operations and processes and in accordance with section 17-206, when applicable, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modification of the plans may be required by the zoning administrator or planning commission;
- (b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards;
- (c) Sufficient area may be required:
  - (1) To screen adequately permitted uses from adjacent zoning districts; and
  - (2) For off-street parking of vehicles incidental to the industry, its employees and clients;
- (d) Automobile graveyards and junkyards in existence at the time of the adoption of this chapter on October 14, 1969, are to be considered as nonconforming uses. They shall be allowed up to three years after adoption of this chapter in which to completely screen, on any side open to view from a public road, the operation of use;
- (e) All emission, such as air or water, emanating from permitted uses shall conform to both state and federal standards for such emission.

(P.C. Ord. No. 84-5, § 615.05, 10-10-84)

### **DIVISION 16.**

#### **LIGHT INDUSTRIAL DISTRICT M-2**

#### **Sec. 17-105. Purpose and intent.**

The purpose of this district is to permit certain industries which are not likely to create offensive noise, vibrations, dust, heat, smoke, odor, safety hazard, glare or other objectionable influence to adjacent zoning districts to locate near a labor supply. Such uses generally being light industries that manufacture, process, store, and distribute goods and materials and are, in general, dependent upon previously prepared materials refined elsewhere, and conducted within a completely enclosed structure, unless hereinafter excepted.

(P.C. Ord. No. 84-5, § 616.01, 10-10-84; amended for recodification, 1987)

#### **Sec. 17-106. Permitted uses.**

Within the light industrial district M-2, land to be used or structures to be erected for one (1) or more of the following uses with parking as required in article VII:

- (a) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs.

Also the manufacture of small parts, such as coils, condensers, transformers, and crystal holders;

- (b) Blacksmith shop, welding, or machine shop, excluding punch presses exceeding forty ton rated capacity and drop hammer;
- (c) Cabinet, furniture, woodworking, or upholstery shop;
- (d) Cold storage, frozen food, or bottling plant;
- (e) Laboratory operation including pharmaceutical, medical, dental, research, or development;
- (f) Offices including business or other than medically oriented offices, general or trade contractor's office;
- (g) Building, plumbing, electrical supply or sales, with storage undercover;
- (h) Contractor's storage when located entirely within a building;
- (i) Printing or reproduction establishments;
- (j) Private or public parking garage;
- (k) Manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, perfumes, toilet soap, and other food products;
- (l) Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas;
- (m) Manufacture of musical, optical, medical instruments, toys, novelties (but not fireworks), rubber or metal stamps;
- (n) Wholesale sales or storage, warehouse, books, or printed matter distribution;
- (o) Police, fire, or rescue station;
- (p) School, including business or commercial, trade or vocational;
- (q) Public utility generating, booster or relay station, telephone exchange, transformer substation, transmission lines and tower; and other facilities for the provision and maintenance of public utilities, and water and sewerage installations other than public utilities included in public service district S-1, but excluding telecommunications facility;
- (r) Governmental, administrative, or service building;
- (s) Signs as provided in article VII;



- (t) Water filling station, natural source (confined source requires special use permit);
- (u) Water hauling;
- (v) Reserved;
- (w) Small contractor's business, screened from view or enclosed;

- (x) Public garage.

(P.C. Ord. No. 84-5, § 616.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 13-91, 8-28-91; P.C. Ord. No. 15-92, 7-22-92; P.C. Ord. No. 12-93, 11-10-93; P.C. Ord. No. 96-4, 2-14-96; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-8, 5-24-00)

#### **Sec. 17-106.1. Special uses.**

When, after review of an application and hearing thereon, in accordance with Article VIII of this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is in the public interest and will comply with all other provisions of law and ordinances of Rockingham County, the following uses may be permitted:

- (a) Commercial uses as listed in B-1 and B-2 districts.

- (b) Telecommunications facility as provided by Article VII, Division 6A of this chapter.

(P.C. Ord. No. 96-16, 11-20-96; P.C. Ord. No. 97-9, 6-25-97; P.C. Ord. No. 97-22, 10-8-97)

#### **Sec. 17-107. Accessory uses.**

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer be removed upon completion or abandonment of the construction work.

(P.C. Ord. No. 84-5, § 616.03, 10-10-84)

#### **Sec. 17-108. Requirements for uses.**

- (a) Before a building permit shall be issued or construction commenced on any permitted main use in this district, or a permit issued for a new main use, the plans, in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required by the zoning administrator or planning commission;
- (b) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards;
- (c) Sufficient areas may be required:

(1) To screen adequately permitted uses from adjacent zoning districts; and

(2) For off-street parking of vehicles incidental to the industry, its employees and clients.

(P.C. Ord. No. 84-5, § 616.04, 10-10-84)

## **DIVISION 17.**

### **PUBLIC SERVICE DISTRICT S-1**

#### **Sec. 17-109. Purpose and intent.**

This district has been formed to provide areas in which certain types of public service facilities may be established in a harmonious manner with the different types of development that might be found around such facilities.

(P.C. Ord. No. 84-5, § 617.01, 10-10-84)

#### **Sec. 17-110. Permitted uses.**

Within the public service district S-1, structures to be erected or land to be used shall be for one or more of the following uses with parking as required in article VII:

- (a) Water treatment facility;
- (b) Sewage treatment facility;
- (c) Sanitary landfill, or garbage disposal facility;
- (d) Signs as provided in article VII;
- (e) Water filling station, natural source;
- (f) Water hauling.
- (g) Telephone exchange cabinet with above-ground dimension no greater than one hundred ninety-two (192) cubic feet; provided, however, prior to issuance of final zoning approval for a building permit, a landscaping and maintenance plan for the cabinet site shall be approved by the community development department, and the site shall be landscaped and maintained pursuant to such plan (or amended plan, as approved by the community development department).

(P.C. Ord. No. 84-5, § 617.02, 10-10-84; P.C. Ord. No. 6-90, 5-23-90; P.C. Ord. No. 02-12, 9-25-02)

#### **Sec. 17-110.1. Special uses.**

When, after review of an application and hearing thereon, in accordance with article VIII, in this chapter, the board of supervisors finds as a fact that the proposed use is compatible with surrounding uses, is not detrimental to the character of the adjacent land, is consistent with the intent of this chapter, and is in the public

interest, the following use may be permitted with a special use permit:

- (a) Telecommunications facility as provided by article VII, division 6A of this chapter.
- (b) Telephone exchange cabinet with above-ground dimension exceeding one hundred ninety-two (192) cubic feet, or telephone exchange building.

(P.C. Ord. No. 01-8, 5-23-01; P.C. Ord. No. 02-12, 9-25-02)

#### **Sec. 17-111. Accessory uses.**

Where an area is devoted to a permitted principal use, customary accessory uses and structures are authorized, including, but not limited to, the following:

- (a) Temporary building or office trailer for uses incidental to construction work, provided that such building or trailer shall be removed upon completion or abandonment of the construction work.

(P.C. Ord. No. 84-5, § 617.03, 10-10-84)

#### **Sec. 17-112. Requirements for uses.**

(a) Before a building permit shall be issued or construction commenced on any permitted main use in this district or a permit issued for a new main use, the plans, in sufficient detail to show the operations and processes, shall be submitted to the zoning administrator for study. The administrator may refer these plans to the planning commission for recommendation. Modifications of the plans may be required by the zoning administrator or planning commission;

(b) Permitted uses shall be conducted wholly within a completely enclosed building or with an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, chain link fence, or evergreen hedge six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include the storing of any material;

(c) Landscaping may be required within any established or required front setback area. The plans and execution must take into consideration traffic hazards;

(d) Sufficient area may be required:

(1) To screen adequately permitted uses from adjacent zoning districts; and

(2) For off-street parking of vehicles incidental to the facility and its employees.

(P.C. Ord. No. 84-5, § 617.04, 10-10-84)

## **ARTICLE VII.**

### **USE REGULATIONS**

#### **DIVISION 1.**

## AREA

### Sec. 17-113. Area regulations.

Lot size, yard dimensions, and height regulations are provided by district in table 17-113. The sections of this division are additional regulations.

(P.C. Ord. No. 84-5, § 701.00, 10-10-84; P.C. Ord. No. 2-88, (part), 4-13-88; P.C. Ord. No. 8-88, (part), 8-24-88; P.C. Ord. No. 16-92, 7-22-92; Ord. No. 96-2, 1-24-96; P.C. Ord. No. 97-14, 7-23-97; P.C. Ord. No. 03-06, 8-27-03; P.C. Ord. No. 04-07, 6-23-04)

Table 17-113

#### Area Regulations--Conventional Districts

Zoning District/Minimum Lot Size(a)	Minimum Yard Dimensions (in feet)			Minimum Lot Width, Lot Coverage, and Height			Accessory Building		
Front Yard (Setback) X/Y(b)	Side yard(l)	Rear yard	Minimum Lot Width(l)	Maximum Lot Coverage	Maximum Building Height(c)	Maximum Height(c)	Minimum Distance to Property Line(l)		
Agricultural (A-1)	1 acre	35'/60'	15'	35'	100' (125' for corner lots) at setback line	N/A	35'(c)	See (c) below	5'/5' (rear/side) rear yard placement(i) (d)
Agricultural (A-2)	1 acre (septic) 20,000 sq. ft. (public sewer)	35'/60'	15'	35'	100' (125' for corner lots) at setback line	N/A	35'(c)	See (c) below	5'/5' (rear/side) rear yard placement(i) (d)
Rural Service (RS-1)	20,000 sq. ft.	35'/60'	15'	35'	100' (125' for corner lots) at setback line	N/A	35'(c)	If within 20' of lot line, 1 story limit	5'/5' (rear/side) rear yard placement(i) (d)
Residential Recreational (RR-1)	2.5 acres	35'/60'	35'	35'	100' state or private road frontage(k)	N/A	35'(c)	35'	Same as main structure
Planned Growth (PG)	40,000 sq. ft.	35'/60'	15'	35'	100' state road frontage(k)	N/A	35'(c)	35'	Same as main structure
Low Density Residential (R-1)	15,000 sq. ft.	35'/60'	15'	35'	100' state road frontage(k)	N/A	35'(c)	Height must be less than main structure. If within 20' of lot line, 1 story limit.	5'/5' (rear/side) rear yard placement(d), (i)
Medium Density Residential (R-2)	12,000 sq. ft.(j)	35'/60'	10'	35'	90'(k) 100' required for all corner lots	N/A	35'(c)	Same as R-1	Accessory buildings not permitted in front yard(d)

General Residential (R-3)	One unit 10,000 sq. ft., over 1 unit see (f) and (j) below	35'/60'	10'	25'	One unit 80' plus 10' for each additional unit.(j)(k)(m) 100' for corner lots	N/A	35'(c)	Height must be less than main structure. If within 10' of lot line, 1 story limit.	Accessory buildings not permitted in front yard(d)
Townhouses (R-3)	1,600 square feet per unit/10 lots per acre maximum	35'/60'	20'/10'(h)	20'	10', end lot 30'	N/A	35'(c)	Same as above	Same as R-1
General Business (B-1)	N/A	35'/60'	15' to adjoining agricultural/residential districts		N/A	N/A	35'(c)	If within 10' of lot line, 1 story limit	Same as main structure
Rural Business (B-2)	N/A	35'/60'	15' to adjoining agricultural/residential districts		N/A	N/A	35'(c)	Same as B-1	Same as main structures
General Industrial (M-1)	N/A	35'/60'	30' to adjoining agricultural/residential districts		N/A	70%	35'(c)	35'	Same as main structures
Light Industrial (M-2)	N/A	35'/60'	30' to adjoining agricultural/residential districts		N/A	70%	35'(c)	35'	Same as main structures
Public Services (S-1)	0.5 acre or more as required to meet regulatory agency requirement	100' from r-o-w	Shall meet all regulatory agency requirements for minimum yards		N/A	60%	35'	35'	Same as main structures

Table notes:

- (a) For permitted uses utilizing individual sewage disposal systems, the required area for any such use shall be approved by the health official. The administrator shall require greater area as considered necessary by the health official.
- (b) Setback requirements consist of two (2) distances X/Y: X is the required distance from the road right-of-way if the right-of-way is fifty (50) feet or greater, Y is the required distance from the centerline of the road if the right-of-way is less than fifty (50) feet. For RR-1 and S-1 required distance is from the road right-of-way. Setback applies to main and accessory uses.
- (c) See section 17-116 for height exceptions.
- (d) Section 17-119 for further explanations.
- (e) Reserved
- (f) Two (2) units--11,000, three (3) units--14,000; over three (3)--one thousand (1,000) square feet for each additional unit.

- (g) See section 17-117 for additional townhouse regulations.
- (h) Twenty (20) feet to adjoining single-family detached residential districts, ten (10) feet for end of townhouse row.
- (i) Any building greater than five hundred eighty (580) square feet, using outside dimensions, or any structure two (2) or more stories in height, or any structure used as a residence must meet main building setbacks.
- (j) In R-2, minimum lot size for two-unit attached dwellings shall be six thousand (6,000) square feet per unit with minimum frontage of forty-five (45) feet per unit. In R-3, minimum lot size for 2 unit attached dwellings shall be five thousand five hundred (5,500) square feet per unit with minimum frontage of forty-five (45) feet per unit.
- (k) The street frontage on lots which front on a cul-de-sac may be reduced by fifty (50) percent, provided the minimum lot width is met at the minimum setback line. No flag or pipe-stem lots shall be permitted.
- (l) Corner lots, see section 17-114. "Front" is the shortest of the sides fronting roads. Thirty-five-foot setback from side yard facing street.
- (m) See section 17-117(d) for minimum width exceptions for condominiums and multifamily dwellings.

#### **Sec. 17-113.1. Foundation surveys.**

The following shall apply to structures that are required to have a foundation or footer inspection prior to proceeding with construction above the foundation, slab or piers.

- (a) Construction shall not continue on a new building, or building addition, the placement of a manufactured home in a manufactured home park constructed after 1995, or the placement of a manufactured home on private property until the zoning administrator has received a survey prepared by a certified land surveyor licensed to practice in the commonwealth. Such survey shall show that the foundation, slab, or piers as constructed meets county setback regulations.
- (b) A permit shall not be issued for the placement of a manufactured home in a manufactured home park that existed prior to 1995 until after the county has determined that there is sufficient space for the requested unit, and that the placement complies with the building code.
- (c) If the applicant submits to the zoning administrator sealed certification from a certified land surveyor that the building, structure, or manufactured home is a minimum of sixty (60) feet from all property lines and any state road, or such greater setbacks as otherwise required in the ordinance, section 17-113.1(a) above may not be required.

(P.C. Ord. No. 03-08, 10-22-03; P.C. Ord. No. 05-15, 12-14-05)

**Sec. 17-114. Special provision for corner lots.**

(a) The side yard on the side facing the side street shall be thirty-five (35) feet or more for both main and accessory buildings in all zoning districts except R-4 and R-5 districts;

(b) For subdivisions platted after April 1, 1985, each corner lot shall have a minimum width at the setback line of one hundred twenty-five (125) feet or more in A-1, A-2, and RS-1 and a minimum width of one hundred (100) feet or more in the R-1, R-2, and R-3 district. Lot width shall be measured at the setback line parallel to the shorter of the two (2) sides fronting on streets.

(P.C. Ord. No. 96-1, 1-24-96; P.C. Ord. No. 97-14, 7-23-97; P.C. Ord. No. 00-3, 2-23-00)

**Sec. 17-115. Modification of yard requirements.**

Minimum setback requirements of this chapter for yards facing streets shall not apply to any lot in conventional subdivisions platted prior to October 14, 1969 where the average setback on developed lots within the same block and zoning districts and fronting on the same street is less than the minimum. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

(P.C. Ord. No. 84-5, § 701.02, 10-10-84)

**Sec. 17-116. Height exceptions.**

No structure shall exceed the height limit of the applicable zoning district stated in table 17-113 of this chapter without complying with one (1) or more of the following exceptions, and when not otherwise restricted by division 8 of this article.

- (a) Structures shall be permitted to a height of forty-five (45) feet and, in industrial districts, to sixty (60) feet, provided that for each one (1) foot a structure exceeds thirty-five (35) feet in height the minimum yard requirements from any street right-of-way or single-family residential district or agricultural district shall be increased by two (2) feet.
- (b) A public or semi-public building such as a school, church, library or general hospital may be erected to a height of sixty (60) feet from grade provided that required front, side, and rear yards shall be increased by one (1) foot for each foot in height over thirty-five (35) feet.
- (c) Structures exceeding the heights identified above, or structures where required increased setbacks will not be met, may be permitted by special use permit. Fire safety measures and cross section drawings or other illustrations of the physical impact the structure will have upon the area may be required as part of special use permit application.
- (d) The height limitations of this chapter shall not apply to roof superstructures or nonresidential penthouses covering less than twenty-five (25) percent of the roof area, parapet walls not more than four (4) feet in height, nor to tanks, towers, conveyors, farm buildings, steeples, flagpoles, antenna, smokestacks and public monuments. Structures exceeding two (200) feet in height shall require written approval from the Federal Aviation Administration.

(P.C. Ord. No. 84-5, § 701.03, 10-10-84; P.C. Ord. No. 2-88, (part), 4-13-88; P.C. Ord. No. 97-21, 10-8-97)

### **Sec. 17-116.1. Outside display.**

(a) In all zoning districts where the outside display of merchandise for sale is allowed by a special use permit, such display shall be allowed only as an accessory use to the main use on the same lot or parcel of land.

(b) In all zoning districts where the outside display of merchandise for sale is allowed by a special use permit, such display of merchandise for sale that is incidental to a retail use, plant nursery, sales and rental of motor vehicles, manufactured homes, boats or trailers, or the outside display of automobile-related merchandise for sale that is incidental to a gasoline filling station shall not be required to be screened.

(c) In all zoning districts where the outside display of merchandise for sale is allowed by a special use permit, such display shall conform to the following requirements:

- (1) Where outside display is located adjacent to a building, an unoccupied area of not less than five (5) feet in width shall be provided for pedestrian access between any outside display and any adjacent parking lot;
- (2) Display area shall be a minimum of ten (10) feet from all property lines and if adjacent to a state maintained road shall meet requirements of VDOT with regard to setback from the road.
- (3) In no instance shall outside display of merchandise be located within, nor encroach upon, a fire lane, maneuvering aisle, or a parking space necessary to meet the minimum parking requirements;
- (4) Outside displays shall be situated so as not to obstruct visibility within a parking lot. Where an outside display is located at the intersection of two (2) or more maneuvering aisles within a parking lot, the displayed merchandise shall not exceed 30 inches in height above the grade level of the parking lot.
- (5) Outside displays shall not be located at the intersection of a maneuvering aisle and any public street.
- (6) The area devoted to outside display shall not exceed fifty (50) percent of the total floor area of the building occupied by the use to which such outside display is accessory.

Signage for the display area shall comply with Article VII, Division 5 of this chapter.  
(P.C. Ord. No. 04-04, 5-26-04)

## **DIVISION 2.**

### **STRUCTURES**

### **Sec. 17-117. Townhouse, condominium, and multifamily regulations for the R-3 district.**



Townhouses, condominiums and multifamily dwellings shall be subject to the following regulations which shall be controlling in all cases where they are in conflict with or differ from other regulations in this chapter and in all cases of variances or conflict with chapter 16 of this code. In addition, townhouses, condominiums, and multifamily dwellings shall be subject to site plan review as described in section 17-206.

- (a) Common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the townhouses in the townhouse development or a homeowners association or a legally established condominium owners association. Said land shall be conveyed to and be held by the aforementioned owner solely for recreational parking purposes of the individual units in the development. In the event of such conveyance by the developer-owner to an aforementioned owner, deed restrictions and covenants, shall provide, among other things, that any assessments or charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual units. Maintenance of townhouse or building exteriors, laws, refuse handling, lighting and drainage shall be provided in a similar manner so as to discharge any responsibility from the county.
- (b) Each dwelling unit shall comply with off-street parking standards of this chapter and such spaces shall be provided on the lot or within one hundred fifty (150) feet thereof. Parking shall not occur in the thirty-four-foot access easement.
- (c) Each townhouse, condominium, or multifamily dwelling shall front on a dedicated public street or a thirty-four-foot minimum width private access easement. If access is to be provided by means of a private access easement, the following minimum standards of development shall be observed:
  - (1) Concrete curb and gutter on both sides of street or easement;
  - (2) At a minimum, a sidewalk four (4) feet in width shall be constructed in front of the building and extend to the state maintained roadway, the sidewalk should be constructed of concrete, brick, stone, gravel, or some other material of reasonable durability and safeness and provide convenient pedestrian travel;
  - (3) Dead end streets and cul-de-sacs shall meet the requirements of section 16-15, streets - general standards of design and maintenance guarantees.
- (d) Condominium and multifamily dwelling developments may be exempted from the minimum width at the setback requirement, provided the density does not exceed twelve (12) dwelling units per acre. The maximum length of any continuous multifamily or condominium structure shall be two hundred (200) feet.
- (e) Additional townhouse requirements:
  - (1) No more than ten (10) townhouses shall be included in any townhouse grouping.

- (2) Attached townhouses shall be separated by a noncombustible party wall to the roofline.
- (3) The facades of dwelling units in a townhouse development shall have varying front yards of not less than two (2) feet and variation in materials or design, so that not more than four (4) abutting units will have the same front yard depth or the same, or essentially the same, architectural treatment of facades.

(P.C. Ord. No. 84-5, § 702.00, 10-10-84; P.C. Ord. No. 03-05, 6-25-03; P.C. Ord. No. 03-06, 8-27-03)

#### **Sec. 17-118. Additional dwellings on a single lot or parcel.**

Only one (1) dwelling shall be permitted on a single lot or parcel in any zoning district except R-4, R-5, and PCD. More than one (1) dwelling may be permitted in the A-1, A-2, and RS-1 districts under the following conditions:

- (a) More than one (1) dwelling may be allowed by special use permit on lots or parcels where there are at least fifteen (15) acres per additional dwelling. Any additional dwellings so permitted shall be arranged in such a manner that if the parcel of land, on which any dwelling is located, is at any time subdivided, no nonconforming lot or structure shall thereby be created.
- (b) Replacement dwellings must conform to yard requirements and the dwelling being replaced must be removed from the lot within three (3) months of the issuance of a certificate of occupancy for the replacement dwelling, or in the case of a manufactured home within three (3) months from the date of issuance of a placement permit.

(P.C. Ord. No. 84-5, § 703, 10-10-84; P.C. Ord. No. 86-17, 10-8-86; P.C. Ord. No. 16-90, 11-14-90; P.C. Ord. No. 96-1, 1-24-96; P.C. Ord. No. 97-3, 4-23-97; P.C. Ord. No. 02-09, 9-25-02)

#### **Sec. 17-119. Accessory uses, buildings, or structures.**

The location of accessory buildings, structures, or uses in all agricultural, residential, commercial, and industrial districts as specified must meet the following conditions:

- (a) Where a structure is attached to the main building, it shall become a part of the main building and shall comply in all respects with the requirements applicable to the main building;
- (b) An accessory structure, if situated within the side yard of the main building, shall meet minimum side yard requirements for a main building for the district in which the lot is located;
- (c) No accessory structure shall be closer than five (5) feet to any property line in the rear yard;
- (d) No structure may be located in the front yard of a residence in the R-1, R-2 and R-3 districts. In all zoning districts other than R-4, R-5 and PCD districts, buildings or structures shall comply with the minimum setback requirements as set forth in Table 17-113.
- (e) In residential districts, all accessory buildings, structures, and uses shall be less than the main building in height;

- (f) No additions may be made to an accessory building greater than five hundred eighty (580) square feet, using outside dimensions, unless building meets main building setback.  
(P.C. Ord. No. 84-5, § 704.01, 10-10-84; Ord. No. 02-09, 9-25-02)

### **Sec. 17-120. Temporary buildings.**

Office trailers and temporary buildings or structures in conjunction with construction work only may be permitted in any district, but shall be removed immediately upon completion of construction or within a period not to exceed one (1) year from time of placement, whichever comes first. The one (1) year period may be extended upon written approval of the zoning administrator in one (1) year increments.  
(P.C. Ord. No. 84-5, § 705.01, 10-10-84)

#### **Sec. 17-120.1. Single family dwelling with independent living quarters.**

(a) *Purpose and intent.* The purpose of this section is to enhance the opportunities for independent living for family members, senior citizens and disabled persons, while maintaining the tranquility and integrity of single-family residential neighborhoods

(b) *Requirements.* Single-family dwellings with independent living quarters shall be permitted subject to the following provisions.

- (1) No more than one (1) independent living quarter shall be permitted in any single-family dwelling;
- (2) Independent living quarters shall not be metered separately for water or electric service or be separately connected to the public water or sewer system;
- (3) No independent living quarters shall be constructed or occupied in any dwelling unless:
  - a. The owner of record personally resides in such dwelling;
  - b. The independent living quarters are occupied by a person or group of persons meeting the definition of family in this ordinance;
  - c. The independent living quarters or dwelling in which it is located is occupied by at least one (1) person who is sixty-two (62) years of age or older or disabled; or
  - d. The person living in the independent living quarters is the caretaker for either another person living in the independent living quarters or in the dwelling in which it is located;
- (4) No independent living quarters shall have a floor area in excess of six hundred (600) square feet or twenty-five (25) percent of the floor area of the dwelling in which it is located, whichever is greater;
- (5) Independent living quarters shall not be constructed for rental purposes nor shall any independent living quarters or dwelling in which it is located be used for purposes of transient

occupancy or timeshare. For purposes of this section, the term "transient occupancy" shall mean occupancy for periods of less than ninety (90) consecutive days.

(c) *Permits.*

- (1) Applications for independent living quarters in a single-family dwelling shall be made to the department of community development and must be signed by at least one (1) owner of record of the property upon which the independent living quarters shall be located.
- (2) A statement on a form prescribed by the community development department, certifying that the occupants of either the dwelling or the independent living quarters are the owners of record of the property and that the occupants of the other section of the residence shall meet the requirements of subsection 17-120.1(b)(3) above.
- (3) After obtaining approval from the Zoning Administrator for the independent living quarters, a building permit shall be obtained to construct the independent living quarters within the dwelling on the property and all the necessary inspections shall be obtained.
- (4) When constructed at the same time as the residence, neither the residence nor the independent living quarters shall be occupied until such time as a certificate of occupancy is obtained from the county. When the independent living quarters are put in an existing single-family dwelling, the independent living quarters shall not be occupied until a certificate of occupancy is obtained from the county.
- (5) No independent living quarters shall be placed in any single-family dwelling, whether an existing dwelling or new dwelling, after adoption of this section, without first obtaining the proper permits from the community development department.

(P.C. Ord. No. 04-03, 1-28-04)

### **DIVISION 3.**

#### **PARKING AND LOADING**

##### **Sec. 17-121. Off-street parking.**

Off-street automobile storage or parking space shall be provided on every lot which any permitted or special use is established in accordance with this chapter.

(P.C. Ord. No. 84-5, § 706.00, 10-10-84; P.C. Ord. No. 03-07, 8-27-03)

##### **Sec. 17-122. Same--General requirements.**

For the purpose of this chapter, the following general requirements are specified:

- (a) The term "off-street parking space" shall mean a space at least nine (9) feet wide and nineteen (19) feet in length if designed for ninety-degree parking. All other spaces shall be designed at least ten (10) feet wide and twenty-two (22) feet in length. In addition, there shall be sufficient

area for maneuvering as shown in the chart below.

Traffic aisles in parking lots shall conform with the following criteria:

Angle of Parking	Traffic Direction	Aisle Width*
(a) Parallel	One-way	12 feet
(b) 30 degrees	One-way	12 feet
(c) 45 degrees	One-way	12 feet
(d) 60 degrees	One-way	18 feet
(e) 90 degrees	One-way	24 feet

- \* Minimum width of traffic aisles in parking lots for two-way traffic shall be twenty-four (24) feet. Additional width may be required if needed for access of emergency vehicles.
- (b) Parking spaces shall be provided for all dwellings. Where on-street parking on public streets is not provided, off-street parking shall be provided on the same lot as the dwelling (except townhouses). Parking for townhouses shall be located within the townhouse development not more than one hundred fifty (150) feet of a townhouse.
  - (c) If off-street parking cannot be reasonably provided on the same lot on which the main use is conducted, such space may be provided on other off-street property provided such space lies within one hundred fifty (150) feet of the property line of such main use.
  - (d) In the case of a use not specifically mentioned, the requirements for off-street parking facilities for a use which is so mentioned and to which such use is similar shall apply. In the case of mixed uses, the total requirements of the various uses computed separately shall be required.
  - (e) Whenever in any building or structure there is a change in use, or change in number of employees or an increase in floor area, or in any other unit of measurement specified to indicate the required number of off-street parking spaces, parking facilities shall be increased on the basis of the total new units of measurement of the use, or the altered or expanded existing use. If a change in use creates a need for an increase of less than five (5) off-street parking spaces, no additional parking facilities shall be required.
  - (f) Area reserved for off-street parking in accordance with the requirements of this chapter shall not be reduced in size, encroached upon, or changed to any other use unless the use which it serves is discontinued or modified.
  - (g) Off-street parking existing at the effective date of this chapter, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or use. Existing off-street parking which is provided in an amount less than the requirements stated hereinafter shall not be further reduced.
  - (h) Handicapped accessible parking spaces.
    - (1) A parking lot servicing a building, entrance to a building or structure for the use of an assembly, business, factory and industrial, institutional, mercantile, and residential shall

have the number of level parking spaces set forth in the following table and identified by above grade signs as reserved for physically handicapped persons, as required by ADA.

- (2) For every eight or fraction of eight accessible parking spaces, at least one shall be a van accessible parking space. Van accessible spaces shall have an access aisle eight (8) feet wide, minimum.
- (3) All other accessible spaces will be adjacent to an access aisle with a minimum width of five (5) feet.

Table 17-122

Accessible Parking Spaces for Handicapped

Total Parking in Lot	Required Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	(20 plus 1 for each 100 over 1,000)

(P.C. Ord. No. 84-5, § 706.01, 10-10-84; P.C. Ord. No. 11-87, (part), 10-14-87; P.C. Ord. No. 03-07, 8-27-03)

**Sec. 17-123. Same--Site requirements.**

All off-street parking shall be laid out, constructed and maintained in accordance with the following requirements:

- (a) All such parking areas, except those serving single-family and two (2) family dwellings, shall be maintained with pavement, concrete, gravel or other dust-proof surface as approved by the reviewing agent. A good stand of vegetative cover shall be maintained on the remainder of the lot;
- (b) The parking area shall be set back a minimum of ten (10) feet from property lines. Parking facilities shall be so designed to prevent parked vehicles from extending beyond the limits of the parking area and to prevent damaging effects to adjoining or nearby properties from surface drainage from the parking facilities;
- (c) Lighting facilities shall be so arranged that light is directed away from adjacent properties and public rights-of-way. Lights are to be a sharp cut-off design in a fixed position, which orients the light down and provides only one-half (0.5) foot-candles maximum at the property line. This includes pole mounted lights and wall mounted lights (wall packs). Canopy lights are to be

recessed or a surface mounted cut-off fixture that will direct light straight down. Two (2) copies of the manufacturer cut sheet of each type light used should be provided at either the site plan or building plan review phase.

- (d) Each required off-street parking space or automobile storage area shall have direct access to a road or street or have a driveway, which offers satisfactory ingress and egress.
- (e) The number of off-street parking spaces provided for any site shall be equal to at least the minimum requirements for the specific land use set forth in Table 17-124.

(P.C. Ord. No. 84-5, § 706.02, 10-10-84; P.C. Ord. No. 11-87, (part), 10-14-87; Ord. No. 02-09, 9-25-02; P.C. Ord. No. 03-07, 8-27-03)

**Sec. 17-124. Same--Parking space requirements for all districts except R-4, R-5, and PCD.**

There must be access from the off-street automobile storage area or parking space to a street or road and shall be equal in area to at least the minimum requirements for the specific land use set forth. (See Table 17-124.) Residential Planned Community District R-4, Planned Residential District R-5, and Planned Commercial District PCD are excluded from the requirements of this section.

Table 17-124

Land Use			Parking Requirements
(a)	Living facilities:		
	(1)	Single- and two-family	Two (2) spaces for each dwelling unit.
	(2)	Multifamily dwellings (excluding housing for the elderly and/or physically handicapped)	One and one-half (1 1/2) spaces for units of two (2) bedrooms. More than two (2) bedrooms per unit requires two (2) spaces. For efficiency and one-bedroom apartments, one (1) space per dwelling unit shall be provided.
	(3)	Hotels/motels	One (1) space for each bedroom plus one (1) additional space for each two (2) employees.
	(4)	Manufactured homes	Two (2) spaces per mobile home.
	(5)	Boarding house operations, fraternity or sorority house	One (1) space for each bedroom.
	(6)	Travel trailer parks	One (1) space for each travel trailer, motor home or camper.
	(7)	Bed and breakfast	Two (2) spaces per single-family unit plus one (1) space per guest room.
(b)	Public assembly:		
	(1)	Churches and other houses of worship	One (1) space for each three (3) seats in the main sanctuary.

	(2)	Assembly halls, stadiums, coliseums, and civic centers; theater operations	One (1) space for each three (3) seats.
	(3)	Libraries, art galleries, and museums	One (1) space for each five hundred (500) square feet of gross floor area.
	(4)	Clubs, residential clubhouse, community centers, fitness clubs	One (1) space for each three (3) members. If not formal membership, at least twenty-five (25) parking spaces shall be provided.
	(5)	Schools, including child care centers	One (1) space for each three (3) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater. Additionally one (1) visitor space shall be provided for each twenty (20) (or fraction there of) spaces. High schools shall provide an additional one (1) space for each three (3) students. Business, vocational schools or colleges shall provide an additional one (1) space per student.
	(6)	Temporary events including tent meetings, circuses, carnivals, fairs, sideshows, and music festivals	One (1) space per three (3) persons estimated attendance.
	(7)	Dance halls, pool rooms, and other places of recreation or amusement without fixed seating arrangements	One (1) space per each one hundred (100) square feet of floor area.
	(8)	Bowling alleys	Four (4) spaces for each alley.
(c)	Health facilities:		
	(1)	Group homes, nursing home, or home for adults, hospitals (regular and special care), rehabilitation facilities	One (1) space for each four (4) beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each employee on the maximum working shift.
	(2)	Housing for elderly and/or physically handicapped	Two (2) spaces for each dwelling unit of which one (1) space shall be of a minimum width of twelve (12) feet.
	(3)	Clinic services; laboratory operations, office use (medically oriented)	Three (3) spaces for any one (1) of the following: physician, dentist, or surgeon; Plus one (1) space for each two hundred (200) square feet of floor area.



	(4)	Funeral home and mortuaries	One (1) space for each fifty (50) square feet of floor area.
	(5)	Animal hospitals and kennel operations	Three (3) spaces for each veterinarian and employee. Not to be less than ten (10) spaces.
(d)	Businesses:		
	(1)	Auto service and repair establishments, public garages.	
	(2)	Auto sale or rental establishment	One (1) space for each regular employee plus one (1) space for each two hundred fifty (250) square feet of floor area. One (1) space per 500 square feet of enclosed sales/rental area, plus one (1) space per two thousand five hundred (2,500) square feet of open sales/rental display lot area, plus two (2) spaces per service bay, plus one (1) space per employee; not to be less than five (5) total spaces. These spaces are in addition to the space required for outside display.
	(3)	Food stores, including general, country or convenience stores, grocery stores	One (1) space for each one hundred (100) square feet of floor area, convenience stores located on a Virginia primary highway shall also provide two (2) spaces suitably sized for tractor trailers.
	(4)	Restaurants, including drive-in eating facilities, snack bars, and all similar dining and/or drinking establishments	One (1) space for each three (3) seats provided for patron use, plus one (1) space for each seventy-five (75) square feet of floor area provided for patron use, but not containing seats; plus one (1) space per employee with a minimum of six (6) employee spaces provided.
	(5)	Office buildings including banks, savings and loan and other financial activity, administrative, service business, commercial and professional offices and buildings; but not including medical, dental, and health offices, and clinics	One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor space.

	(6)	General business, commercial or personal service establishments catering to the retail trade but excluding food stores	One (1) space for each two hundred (200) square feet of floor area.
	(7)	Beauty and barber shop	One (1) space for each chair and employee.
	(8)	Self-service laundromats	One (1) space for each two (2) washing machines;
	(9)	Governmental offices	One (1) space for each three hundred (300) square feet of ground floor area, plus one (1) space for each five hundred (500) square feet of upper floor area, and one (1) space for each governmental vehicle.
	(10)	Shopping centers and malls	Five (5) spaces for each one thousand (1,000) square feet of leasable area.
	(11)	Furniture stores	One (1) space for each five hundred (500) square feet of floor area designed for retail sales.
	(12)	Public utilities such as telephone, electric, power, and gas substations	One (1) space.
	(13)	Outdoor sales/display area, not listed above	One (1) space per five hundred (500) square feet of open sales/display area plus one (1) space per employee.
(e)	Industries:		
	(1)	Commercial, manufacturing and industrial establishments not catering to the retail trade	One (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises.
	(2)	Commercial, manufacturing and industrial establishments catering to the retail trade; not otherwise listed	One (1) space for each employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises, plus one (1) space per two hundred (200) square feet of customer service area, but with a minimum of one (1) space per one thousand (1,000) square feet of gross floor area.

	(3)	Wholesale establishments	One (1) space for every fifty (50) square feet of customer service area, plus one (1) space per employee on the maximum working shift, plus one (1) space for each company vehicle operating from the premises, but with a minimum of one (1) space per 1000 square feet of gross floor area.
	(4)	Mini-warehouse establishment	Three (3) spaces per one thousand (1,000) feet of gross office area, plus one (1) space per employee, and two (2) spaces for a resident manager. The width of travel aisles for vehicular access and loading and unloading shall be subject to the approval of the reviewing parties.

(P.C. Ord. No. 84-5, § 706.03, 10-10-84; P.C. Ord. No. 11-87, (part), 10-14-87; P.C. Ord. No. 00-4, 2-23-00; Ord. No. 02-09, 9-25-02; P.C. Ord. No. 03-07, 8-27-03)

#### **Sec. 17-125. Off-street loading and unloading space.**

Off-street loading and unloading spaces shall be provided as hereinafter required by this chapter:

- (a) *Size of off-street loading spaces and tractor trailer spaces.* Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty (50) feet in length.
- (b) *Connection to road or street.* Each required off-street loading space shall have direct access to a road or street or have a driveway which offers satisfactory ingress and egress for trucks. Documentation shall be provided to ensure adequacy of ingress and egress from the off-street loading spaces, to include at a minimum turning radius overlays.
- (c) *Floor area over ten thousand (10,000) square feet.* There shall be provided for each hospital, hotel, commercial or industrial building, or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet, at least one (1) off-street loading space for each ten thousand (10,000) square feet of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk or road.
- (d) *Floor area less than ten thousand (10,000) square feet.* There shall be provided for each hospital, hotel, commercial or industrial building required receipt or distribution of materials or merchandise and having a floor area of less than ten thousand (10,000) square feet, one (1) off-street loading space (which may be shared by adjacent establishments) so located as not to hinder the free movement of pedestrians over a sidewalk or road.

- (e) *Bus and trucking terminals.* There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time. Documentation showing adequacy in the number and size of spaces with reference to national standards shall be provided.
- (f) *Location of off-street loading spaces.* All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on adjacent lot when shared with the use occupying said adjacent lot
- (g) *Permanent reservation.* Area reserved for off-street loading in accordance with the requirements of this chapter shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except when equivalent loading space is first provided that meets the requirements herein.

(P.C. Ord. No. 84-5, § 706.04, 10-10-84; P.C. Ord. No. 03-07, 8-27-03)

## **DIVISION 4.**

### **HOME OCCUPATIONS**

#### **Sec. 17-126. Home occupations.**

The purpose of this section is to promote compatibility of home occupations with surrounding uses. Home occupations shall give no evidence of non-residential character of use nor produce obnoxious odors, glare, noise, vibration, electrical disturbance, radioactivity or other conditions detrimental to surrounding areas. Customs or traditions are not to be considered as criteria for the evaluation of home occupations.

(P.C. Ord. No. 84-5, § 707.00, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 96-3, 2-14-96)

#### **Sec. 17-127. Same--Home occupation permit required.**

Home occupations may be permitted by right in certain zoning districts provided the requirements of this section are met and a home occupation permit has been issued by the zoning administrator. If at any time the requirements of this section, or conditions of the permit are not being followed the home occupation permit will be revoked by the zoning administrator.

- (a) The home occupation shall be operated only by residents of the dwelling unit. If the applicant is a tenant, written permission of the land owner is required.
- (b) No on-premise retail sales shall be allowed, except when incidental to the use.
- (c) The home occupation shall not cause change in the exterior of the dwelling. There shall be no outdoor display or storage of materials, goods, supplies, or equipment in relation to the home occupation.
- (d) Home occupations shall be limited to the following:

- (1) Professional offices.
  - (2) Business or trade offices for telephone and mail service and administration of the business or trade, but not for on-premise practice of the business or trade.
  - (3) Photography, arts and crafts activities.
  - (4) Seamstress, tailoring, upholstery activities.
  - (5) Clerical, secretarial activities.
  - (6) Instruction, no more than five (5) pupils at any one time.
  - (7) Mail order business.
  - (8) Jewelry, watch, clock repair.
  - (9) Scissors, saw, blade sharpening.
  - (10) Beauty or barber shop with only one chair.
  - (11) Food catering.
- (e) The home occupation shall not occupy more than twenty-five (25) percent of the residential floor area of the dwelling. In any district except residential and MH-1 districts, an accessory building may be used when the total area of the home occupation does not exceed twenty-five (25) percent of the residential floor area of the dwelling or five hundred (500) square feet, whichever is less.
- (f) The home occupation shall not generate more than an average of two (2) customer or vendor vehicular round trips per hour during the hours of operation. Any use that requires a commercial entrance from the Virginia Department of Transportation shall not be considered to be a home occupation.
- (g) For the purpose of safety, review by the Virginia Department of Transportation (VDOT) shall be necessary, and will be completed within ten (10) working days of receipt of the application. This review will determine if sight distance and other safety factors are in accordance with the current VDOT manual or if upgrades to the entrance are necessary. If the entrance is deemed unsafe by VDOT for a home occupation, the permit will not be granted. The zoning administrator may require additional comment from VDOT concerning the entrance.
- (h) The zoning administrator may also require review by additional agencies, such as the health department or emergency services personnel, as specific home occupation requests warrant, to determine the appropriateness of the proposed home occupation. If the request is not deemed appropriate by any of the agencies the home occupation permit may not be granted.

- (i) Only one vehicle associated with the home occupation may be parked on premises. Except in agricultural districts, such vehicles shall not exceed two and one-half (2 1/2) tons.
- (j) Signs shall be permitted in agricultural districts, and shall not exceed four (4) square feet with no dimension greater than thirty-six (36) inches. In all cases, signs shall not exceed five (5) feet in height and shall be set back at least five (5) feet from all property lines and road rights-of-way. No other signs shall be permitted. There shall be no window displays of products, goods, or commodities. No signs shall be permitted in residential and/or MH-1 districts.

(P.C. Ord. No. 84-5, § 707.01, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 96-3, 2-14-96)

#### **Sec. 17-128. Reserved.**

**Editors Note:** P.C. Ord. No. 5-90, adopted May 23, 1990, deleted former § 17-128, relative to special use permit requirements for home occupations, which derived from P.C. Ord. No. 84-5, § 707.02, adopted Oct. 10, 1984.

### **DIVISION 5.**

#### **SIGNS**

#### **Sec. 17-129. General.**

Notwithstanding any other section of this chapter to the contrary, the regulations set forth in this section shall govern signs

(P.C. Ord. No. 84-5, § 708.00, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-130. Intent.**

The purpose of the following sign requirements is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic business climate, and enhance and protect the scenic and natural beauty of the county. It is further intended to reduce sign or advertising distraction and obstructions that may be caused by signs overhanging or projecting over public right-of-way, to provide more open space, and to curb the deterioration of the natural environment and enhance community development.

(P.C. Ord. No. 84-5, § 708.01, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-131. General requirements.**

The following regulations shall apply to all signs, regardless of the zoning district in which located:

- (1) Sign area shall be measured within a continuous perimeter enclosing the entire display face of the sign, including background, framing, trim, molding and other borders, but excluding supports and uprights unless such supports or uprights are designed as an integral part of the display for the purpose of illustration or attraction. Where a sign consists of two (2) identical parallel faces, which are back to back, and located not more than twenty-four (24) inches from each other, only one (1) side of such sign shall be used in computing the area. The area of signs with more than two (2) faces or with faces which are not parallel or in the same plane with each other shall be the sum of the areas of all the sign faces. The area of a cylindrical sign shall be computed by multiplying one-half ( 1/2) the circumference by the height of the sign. Where individual letters,

characters or figures are mounted so as to use a building facade as a background, the area of such sign shall be determined by computing the sum of the area within the outer perimeter of each individual character or figures comprising the total message, symbol or advertisement.

- (2) The maximum allowable accumulative sign area permitted on any parcel shall be calculated with respect to the principal street frontages of a parcel to which the parcel has direct access. Unless otherwise specified, the maximum allowable accumulative area shall be based on the width of the face of the principal building parallel or nearly so to the street frontage. All permanent signs, unless specifically exempted by the terms of this division, shall be counted in the calculation of maximum accumulative sign area.
- (3) The height of signs shall be the vertical distance measured from the average finished grade ground elevation ten (10) feet from where the sign is located to the highest point of the sign. The maximum allowable height of signs shall be as specified by the regulations established herein.
- (4) No sign, unless herein exempted, shall be erected, constructed or altered until a permit has been issued by the county. Fees for sign permits shall be in accordance with the schedule of fees adopted by the board.
- (5) Any sign pertaining to a nonconforming business, commercial or industrial use, other than a home occupation as defined by this division, located within a residential district, shall be deemed a nonconforming structure.
- (6) No signs shall be permitted in conjunction with any business activity not possessing a valid site plan approval issued by the county.
- (7) No sign, other than a sign approved or installed by the Virginia Department of Transportation, shall be located within or over any public right-of-way.
- (8) No sign, whether permanent or temporary, shall be attached to trees, utility poles or other supporting structures, unless specifically authorized by the zoning administrator.
- (9) Except in the case of shopping centers and corner lots, not more than one (1) permanent free-standing sign shall be permitted for each lot or parcel. The minimum setback of any free-standing sign, or any portion thereof, from any property line shall be five (5) feet.
- (10) Corner lots shall be entitled to one (1) free-standing sign for each road frontage provided, however, that this provision shall not apply along road frontages where restricted access easements are in place.
- (11) No sign, whether temporary or permanent, excluding free standing, shall be taller than, extend over, or above the ridgeline of any roof or the top of any parapet wall of a building.
- (12) The light from any illuminated sign shall be so shaded, shielded or directed that the light intensity or brightness shall not adversely affect surrounding premises nor adversely affect safe vision of operators of vehicles moving on public or private roads, highways, or parking areas.

Light shall not shine or reflect in an offensive manner on or into residential structures or motels. No exposed light sources shall be used on the exterior surface of any sign in such a manner that will cause offensive glare on adjacent property or create a traffic hazard.

(P.C. Ord. No. 84-5, § 708.02, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-132. Temporary signs.**

The zoning administrator, upon application, may issue approval for the following temporary signs:

- (1) Signs not exceeding thirty-two (32) square feet in area, which promote a special civic, cultural or religious event such as a fair, exposition, play, concert or meeting sponsored by a governmental, charitable or religious organization. The duration of such permit shall not exceed thirty (30) days.
- (2) Banners when used in conjunction with the opening of a new business or an establishment going out of business in any business or industrial district. The duration of such permit shall not exceed thirty (30) days.
- (3) Temporary portable signs, not exceeding thirty-two (32) square feet in area or one (1) per parcel, which are intended to identify or display information pertaining to an establishment for which permanent free-standing signage is on order as evidenced by presentation of a copy of an executed order form for such permanent signage to the Zoning Administrator. Such permit shall expire and the portable sign shall be removed upon erection of the permanent sign or thirty (30) days whichever shall occur first.
- (4) Banners when used to announce the grand opening and initiation of sales or leasing of lots and/or dwelling units within a newly developing residential project having at least ten (10) lots or units. The cumulative area of all such banners erected for any single residential project shall not exceed forty (40) square feet. Banners shall not be illuminated. The duration of such permit shall not exceed thirty (30) days.
- (5) Banners when used to announce special events; such as new home shows being conducted within a residential subdivision or development. The cumulative area of all such banners erected for any single event shall not exceed forty (40) square feet. Banners shall not be illuminated. Such signs shall not be erected more than fourteen (14) days prior to the event and shall be removed within seven (7) days following the closing of the event; provided, however, that no banner shall be permitted to remain in place for any event for more than thirty (30) days between the first appearance and removal of the banner.

(P.C. Ord. No. 84-5, § 708.03, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-133. Permissible signs in all districts.**

The following signs may be erected, altered or maintained in any zoning district when in accordance with the general provisions established in section 17-131, provided however, that permits shall not be required unless specifically noted. Signs listed in this section do not count toward the cumulative total allowed on a parcel.



- (1) Signs erected and maintained pursuant to and in discharge of any federal, state or county governmental function, or as may be required by law, ordinance or governmental regulation including official traffic signs and signals, warning devices and other similar signs.
- (2) Memorial signs or tablets, cornerstones or names of buildings when cut into masonry or when constructed of bronze or other noncombustible material, but not to exceed six (6) square feet in area.
- (3) Non-illuminated construction signs, not exceeding thirty-two (32) square feet in area and six (6) feet in height and limited to one (1) sign for each street frontage, when displayed on the premises to which such sign refers. No such signs shall be permitted unless a building permit has been issued or unless a site plan for the proposed development has been submitted to the county for official review. Such signs shall be removed at the completion of construction.
- (4) Non-illuminated realty signs, not exceeding six (6) square feet in area and four (4) feet in height in all single family residential districts, and thirty-two (32) square feet and six (6) feet in height in all multi-family, business and industrial zoning districts, and limited to one (1) sign for each street frontage, and only when displayed on the premises to which such sign refers.
- (5) Non-illuminated signs identifying official state automobile inspection stations and the inspection number which is then due, provided that such signs shall not exceed sixteen (16) square feet in area and shall be limited to one (1) sign for each street frontage. "A-frame" designs shall be considered as a single sign for the purposes of this section.
- (6) Bulletin boards for churches or other permanent places of worship, or for public buildings, when located on the same premises as the building to which they refer, and provided that such signs shall not exceed twelve (12) square feet in area and six (6) feet in height. If such sign is a free-standing or illuminated sign, a permit shall be secured.
- (7) Non-illuminated signs and posters of less than four (4) square feet in area advertising or providing directions to a residential, civic or community operated yard or garage sale or an estate sale or auction, provided they are located on private property with permission and are removed promptly at the end of the event.
- (8) Signs attached to machinery or equipment which is necessary or customary to a business including, but not limited to, devices such as gasoline pumps, vending machines, ice machines, etc., provided that such signs refer exclusively to products or services offered on the premises.
- (9) On-premises directional signs, not exceeding six (6) square feet in area and six (6) feet in height and not containing any advertising material or discernible business logo. A permit shall be secured for any illuminated signs.
- (10) Signs attached directly to the interior or exterior of the windows of an establishment are permitted in commercial and industrial districts provided, however, that such signs shall not occupy more than twenty-five (25) percent of the total area of the window in which they are

displayed and shall not be legible from any public street.

- (11) Menu boards which are either free-standing or wall signs providing information on food and beverages offered for drive-in sales on the premises, provided that such signs and any business logos thereon are not legible from any public right-of-way and do not exceed twenty-four (24) square feet. A permit shall be secured if illuminated.
- (12) Flags, emblems or insignia of the United States, the Commonwealth of Virginia, the county, religious groups, civic organizations, service clubs and similar organizations, groups, agencies, etc. One (1) corporate logo emblem flag per parcel shall be permitted. Flagpoles shall conform with the height regulations of the district in which located.
- (13) On-premises safety and directional signs within a business or industrial district which are not legible from a public right-of-way.
- (14) Special notice placards, not to exceed a total of four (4) square feet in area for all such placards of any establishment, attached to a building or to a free-standing sign indicating credit cards which are accepted on the premises, group affiliations of which the business is a member, or clubs or groups which utilize, recommend, inspect or approve the business for use by its members. A permit shall be secured for any illuminated signs.
- (15) Identification and directional boards, which are either free-standing or wall signs, designed as an outdoor means of providing information concerning the location of individual establishments or offices within an office, retail or industrial complex, provided that such signs are not legible from any public right-of-way and do not exceed twenty-four (24) square feet, and are no taller than nine (9) feet and provided further that only one (1) such sign shall be permitted per lot. A permit shall be secured for any free-standing or illuminated sign.

(P.C. Ord. No. 84-5, § 708.04, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 96-7, 3-13-96; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-134. Signs as permitted uses.**

The following table indicates the structural class, area, height, and type of illumination of signs permitted within each of the zoning districts.

(1) *Sign table.*

	Free-standing	Marquee/Canopy	Projecting	Roof	Wall	Internal	External	Maximum Area	Maximum Height	Maximum Cumulative Sign Area per Lot or Parcel Exclusive of the Free Standing Sign
Agriculture	X	X	X		X	See note*		32 sq. ft.	9 ft.	24 sq. ft.

Residential	X	X	X		X	See note*		32 sq. ft.	9 ft.	24 sq. ft.
Public service	X	X	X		X	X	X	32 sq. ft.	25 ft.	1 sq. ft. per linear foot of principle building width
Rural business	X	X	X		X	X	X	50 sq. ft.	25 ft.	1 sq. ft. per linear foot of principle building width
Light industrial	X	X	X		X	X	X	64 sq. ft.	25 ft.	1.25 sq. ft. per linear foot of principle building width
General business	X	X	X		X	X	X	90 sq. ft.	35 ft.	1.5 sq. ft. per linear foot of principle building width
General industrial	X	X	X	X	X	X	X	90 sq. ft.	35 ft.	1.5 sq. ft. per linear foot of principle building width

\* Approved commercial uses in the agriculture and residential districts may have internally illuminated signs provided the allowable signage is reduced by twenty (20) percent. Parcels which front on a Virginia primary highway may request a twenty-five (25) percent increase in the allowable freestanding sign area as allowed by the reviewing agencies.

(2) *Special sign regulations applicable to shopping centers over fifty thousand (50,000) square feet.*

- (a) All signs shall comply with the general provisions specified in this chapter unless otherwise specified.
- (b) The following provisions shall apply to shopping center free standing signs, notwithstanding the district in which located:
  - (1) One (1) free standing sign shall be permitted for each street frontage.
  - (2) The maximum area of any one (1) free standing sign shall be one hundred fifty (150) square feet.
  - (3) The maximum cumulative free standing sign per shopping area shall be two hundred (250) square feet.

- (4) No individual business or unit can have signage which exceeds the allowable for the zoning district in which it is located.
- (c) Each individual tenant within a shopping center shall be permitted one (1) projecting or canopy sign provided that such sign shall not exceed a maximum area of six (6) square feet and shall have a minimum ground clearance to the bottom of the sign of not less than eight (8) feet.
- (d) In addition to the projecting or canopy sign, wall signs shall be permitted provided that the cumulative area of such signs, including the projecting sign, shall not exceed the maximum cumulative sign area allowable in the district in which located, as specified in section 17-134.
- (e) Individual free-standing signs for individual shopping center tenants shall not be permitted in excess of the allowable for the district. For the purposes of this section, lawfully subdivided outparcels which have been depicted on the approved shopping center site plan shall be considered as separate parcels and may be signed as such.

(P.C. Ord. No. 84-5, § 708.05, 10-10-84; P.C. Ord. No. 5-90, 5-23-90; P.C. Ord. No. 2-93, 5-12-93; P.C. Ord. No. 96-7, 3-13-96; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-135. Signs as special use.**

(a) The board may authorize, by special use permit issued in accordance with all applicable procedural requirements, increases in sign area and sign height in the following situations:

- (1) When unusual topography, vegetation, or the distance from the road right-of-way would impose substantial hardship by making a sign, otherwise permitted by the terms of this chapter, ineffective and unreadable from vehicles on adjoining roadways; or
- (2) When the nature of the individual project, size or shape of the parcel of land being developed or relationship to existing adjacent development would accommodate a sign of greater area or height.

(b) In authorizing signs in either of the above situations, the board shall limit the area, height, and location of such signs to that which, in its opinion, is reasonably in keeping with the provisions of this chapter.

(c) Off-premises directional signs: The zoning administrator may authorize, by permit, the installation of off-premises directional signs for churches, civic organizations, governmental functions, hospital-based emergency centers and similar activities, or other establishments, subject to the following findings and conditions,:

- (1) The location of the use to which the sign pertains, prevents adequate identification by such signs as are normally permitted.
- (2) The function of such signs shall be limited to directional or identification purposes.

- (3) The location of such signs shall be consistent with the uses existing or permitted on the site of such sign. A written authorization from the owner of the property on which such sign is proposed to be located or a recorded easement permitting the placement of the sign shall be submitted to the zoning administrator at the time of application for necessary permits.
- (4) Such signs shall be subject to the maximum area and height standards established in section 17-134 and to all other applicable provisions of this division. Not more than three (3) such signs shall be permitted for any single use.

Commercial and industrial uses must obtain a special use permit.

(P.C. Ord. No. 84-5, § 708.06, 10-10-84; P.C. Ord. No. 2-93, 5-12-93; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-136. Signs prohibited in all districts.**

The following signs are prohibited in all districts:

- (1) Abandoned signs;
- (2) Banners, pennants, search lights (except as allowed 17-132);
- (3) Signs imitating or resembling official traffic or government signs or signals;
- (4) Signs attached to trees, utility poles, public benches, streetlights, or placed on any public property or public right-of-way, unless otherwise specified in this chapter;
- (5) Signs placed on vehicles or trailers which are parked or located for the primary purpose of displaying said sign (this does not apply to allowed portable signs or signs or letters on buses, taxis, or vehicles operating during the normal course of business).

(P.C. Ord. No. 84-5, § 708.07, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

#### **Sec. 17-137. Maintenance, removal and nonconformance of signs.**

(a) All signs and sign structures shall be kept in repair and in proper state of preservation. All unsafe signs must adhere to the provisions of the building code. All signs deemed unsafe by the building official must be repaired or brought into compliance with the provisions of the building code.

(b) If a business is moved or abandoned, signs advertising such business shall be removed within thirty (30) days following such abandonment or relocation.

(c) Notwithstanding the requirements set forth in subsection (b) above, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of two (2) years or more. Upon expiration of such two-year period any such abandoned sign shall be removed by the owner of the property on which the sign is located after notification to remove such sign. The zoning administrator shall make a reasonable attempt to notify the owner of the property to remove the sign. The county, through its agents or employees, may enter on the property upon which the sign is located and remove such sign if the owner has failed to do so. The cost of the removal shall be chargeable to the owner of the property.

(d) Existing signs, which do not conform, to the specific provisions of this division may be eligible for the designation "legal nonconforming" provided that:

- (1) The building official determines such signs are properly maintained and do not in any way endanger the public.
- (2) The sign was installed in conformance with a valid permit or variance, or complied with all applicable laws on the date of adoption of this division.
- (3) The business advertised is still in legal operation.

(e) A legal nonconforming sign may lose this designation if:

- (1) The sign is relocated or replaced.
- (2) The structure or size of the sign is altered in any way except toward compliance with this division. This does not refer to change of copy or normal maintenance.

(f) The legal nonconforming sign is subject to all requirements of this code regarding safety, maintenance, and repair. However, if the sign suffers more than fifty (50) percent damage or deterioration, as based on fair market appraisal, it must be brought into conformance with this code or removed. If legal nonconforming and damaged, the sign, as determined by the zoning administrator, shall have to meet the nonconforming uses section of the code beginning with 17-160.

(P.C. Ord. No. 84-5, § 708.08, 10-10-84; P.C. Ord. No. 04-11, 9-22-04)

## **DIVISION 6.**

### **MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND MANUFACTURED HOME SUBDIVISIONS\***

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\* **Editors Note:** Division 6, §§ 17-138--17-157, formerly related to mobile homes, mobile home parks, and subdivisions and was derived from P.C. Ord. No. 84-5, adopted October 10, 1984. P.C. Ord. No. 95-1, adopted February 8, 1995, replaced those with provisions relating to manufactured homes, manufactured home parks, and manufactured home subdivisions, as herein set out.

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#### **Sec. 17-138. Manufactured home requirements--Generally.**

Any manufactured home placed in county, whether in a park, subdivision or on private land, after the date of enactment or amendment of this chapter shall meet the following requirements:

- (a) All manufactured homes shall display a HUD seal of approval or the seal of a testing facility approved by the state. All manufactured homes shall meet the plumbing, electrical, building, and anchoring requirements of the Uniform Statewide Building Code. All on-frame modular homes shall meet the Uniform Statewide Building Code.
- (b) All manufactured homes shall be completely skirted, such that no part of the undercarriage shall

be visible to a casual observer and with a durable material with a life expectancy of at least five (5) years. Any manufactured home shall be skirted within sixty (60) days of final inspection. All on-frame modular homes shall be placed on a permanent foundation.

- (c) All wheels, tongues and similar devices designed for the transportation of the unit shall be removed within sixty (60) days of final inspection. Property owner or park owner shall report back to the zoning administrator that they have been removed.
- (d) Manufactured homes shall be considered main structures and subject to the regulations and provisions pertaining thereto; and in addition, a manufactured home or on-frame modular home shall not be located in a subdivision which is devoted to or is to be devoted exclusively to single-family dwellings.
- (e) Manufactured homes are allowed to be located on property for residential single-family dwelling purposes only, except that manufactured homes may be used as offices on a manufactured home dealer's lot and as an office in a manufactured home park or subdivision by the park owner or manager of the park or subdivision.
- (f) Manufactured homes shall not be used for storage buildings in the county, and no manufactured homes shall be stored on property in county except on manufactured home sales lots approved by the county.
- (g) No manufactured home shall be moved onto any lot, whether in a park, subdivision or on private land without first obtaining proper permits from the county.
- (h) Gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all county, state and federal fire prevention and protection regulations.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 06-02, 2-22-06)

#### **Sec. 17-139. Manufactured home accessory structures--Generally.**

All manufactured home accessory structures, whether in a park, subdivision or on private land, erected or constructed after the date of enactment or amendment of this chapter shall meet the following requirements:

- (a) All manufactured home accessory structures shall meet the requirements of the Uniform Statewide Building Code.
- (b) Except in the case of an awning or other shade structure, where a manufactured home accessory structure is attached to the manufactured home unit, a substantial part of one (1) wall of the accessory structure shall be flush with part of the manufactured home unit or such accessory structure shall be attached to the manufactured home unit by means of a roof.
- (c) Manufactured home accessory structures shall not exceed the height of the manufactured home.
- (d) Any accessory structure placed on a manufactured home lot shall be accessory only to the manufactured home.

- (e) Porches may be placed to manufactured homes provided they are constructed in accordance with the provisions of the Uniform Statewide Building Code. As a minimum a three (3) feet by three (3) feet landing shall be required at each door and shall be in place prior to final inspection and occupancy of the home. Any porch or deck over three (3) feet by three (3) feet shall be considered a part of the main building and shall meet main building setbacks.
- (f) No porches, decks, or accessory structures to any manufactured home shall be constructed or erected, whether in a park, subdivision or on private land, without first obtaining proper permits from the county.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 06-02, 2-22-06)

### **Sec. 17-140. Manufactured home parks.**

In addition to the requirements set out in section 17-138 and 17-139, manufactured home parks must also meet the following requirements:

- (a) *Area, setback and lot requirements.* All manufactured home parks shall meet the following area and setback requirements:
  - (1) All manufactured home parks shall have a minimum area of at least ten (10) acres. A minimum of three (3) spaces shall be completed and ready for occupancy before the first occupancy is permitted.
  - (2) The overall density of any manufactured home park shall not exceed four (4) lots per net acre. For density purposes, a net acre shall not include any land in the 100-year floodplain or land used for streets and other public purposes.
  - (3) The minimum area of any site within a manufactured home park devoted to common open space shall be ten thousand (10,000) square feet.
  - (4) Each manufactured home lot within a manufactured home park shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of fifty (50) feet. Lot coverage, herein defined as the percentage of the manufactured home lot area covered by the home and any accessory structure, driveway and parking area, excluding patios, shall not exceed forty (40) percent for a given lot.
  - (5) Any manufactured home located on a manufactured home lot within the park shall have the street address located on the end of the manufactured home facing the street. These numbers shall be in accordance with chapter 2, section 2-165(a) and (b) of the Rockingham County Code.
  - (6) No main or accessory structure shall be located closer than thirty-five (35) feet nor farther than fifty (50) feet from any street right-of-way. Minimum setback for a main or accessory building in a manufactured home park shall be thirty-five (35) feet with a maximum setback of fifty (50) feet. No main building shall be located closer than twenty-



five (25) feet to any property line of a manufactured home park. A manufactured home shall be located at least ten (10) feet from its lot lines. No accessory building shall be located closer than five (5) feet to any lot line of a manufactured home park.

- (b) *Manufactured home park accessory structures.* All manufactured home accessory structures in a manufactured home park must meet the requirements of section 17-139, except accessory structures shall be allowed in any nonconforming manufactured home park only if setbacks can be met.
- (c) *Manufactured home park application and preliminary site plan required with rezoning request.* Applicants for manufactured home parks shall meet the following minimum requirements for site plans to be submitted with an application for zoning amendment to a manufactured home district:
  - (1) Site plans shall be legibly drawn to scale.
  - (2) A vicinity map showing the location and area of the proposed park.
  - (3) The boundary lines, area and boundary dimensions of the proposed park.
  - (4) The location and dimensions, if any, of all existing streets and street rights-of-way, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed park.
  - (5) Proposed layout, including interior streets with dimensions, location and type of solid waste collection facilities, lot lines, dimensions, and areas of manufactured home lots; common open space and recreation areas, common parking areas and other common areas; recreation buildings, if any, and other permanent structures.
  - (6) Plan for adequate drainage with street and lot plan designed to avoid drainage problems. Proposed layout shall consider terrain and its effect on adequate drainage away from proposed lots and in the design of streets with channels or drainage structures to assure that ponding or other associated drainage problems will not occur.
  - (7) The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement that there will be an adequate supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances, and a statement that there will be an adequate sewer system. Both statements on water and sewer shall have preliminary approval from the health official or the director of public works, where appropriate.
- (d) *Final site plan requirements following rezoning.* Upon zoning approval, manufactured home park site plans shall include the following additional information. The final site plan shall be in substantial accordance with the site plan presented with a zoning amendment and shall receive approval from the health official or agent of a community water or sewer system when such a system is to serve the park, transportation engineer, and the zoning administrator prior to

application for manufactured home placement permits. The additional information shall include:

- (1) The date of the site plan, the name of the surveyor or engineer preparing it, and the number of sheets comprising the site plan.
  - (2) The name and signature of the owner, the name of the proposed park; and name of each street within the park; said name of the park and name of each street shall be named according to the established guidelines and procedures, set forth by resolution, in the road/street and subdivision naming manual as amended. Street identification signs of a design approved by the county shall be installed by the developer at all intersections.
  - (3) Water, sewer, drainage and utility lines, facilities and connections with dimensions shown; locations and dimensions of manufactured home stands and parking spaces; location and nature of firefighting facilities, including hydrants, fire extinguishers, and other firefighting equipment; location of dumpsters, location of fuel storage facilities and structures of high flammability.
  - (4) Where appropriate, there shall be a statement from the director of public works, certifying approval of the street and drainage, water and sewer or utility system layout by the owner/operator.
- (e) *Street standards for manufactured home parks.* An internal street system to furnish convenient access to manufactured home stands and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient.
- (1) *Public streets.* Streets within a manufactured home park intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code
  - (2) *Private streets.* Private streets shall meet the following requirements:
    - a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet streets providing access to forty (40) or more manufactured home stands and eighteen (18) feet for streets providing access to less than forty (40) manufactured home stands. Pavement widths shall be measured from curbface to curbface.
    - b. Dead-end streets shall be limited in length to four hundred (400) feet, shall be provided with cul-de-sacs with turning areas of not less than fifty (50) feet in radius, or with "T" or "Y" turning areas, and shall provide access to no more than twenty (20) manufactured home stands.
    - c. Streets shall be adapted to topography, shall follow the contours of the land as nearly as possible, and shall have safe grade and alignment. No grade shall exceed twelve (12) percent, or no curve shall have an outside radius of less than eighty (80) feet.

- d. Applications for entrance permits to manufactured home parks from any public street or public road shall conform to the construction standards of the department of transportation.
- e. No request shall be made to have streets in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for public streets. No request shall be made to have lots in a manufactured home park served by public streets unless and until the private streets have been dedicated and constructed, at no cost to the county or to VDOT, to the then current standards for public streets.
- (f) *Vehicle parking in manufactured home parks.* Each manufactured home lot shall have at least two (2) paved or graveled parking spaces no closer than ten (10) feet to the manufactured home. A parking area shall be set aside in the manufactured home park to accommodate visitor parking or parking for additional vehicles owned by the occupants of the manufactured home park. At a minimum this parking area shall allow for one (1) parking space for each manufactured home lot and shall be located within one hundred fifty (150) feet of the manufactured home(s) which it serves.
- (g) *Disposal of garbage and rubbish.* It shall be the responsibility of the manufactured home park management to collect or cause to be collected and disposed of garbage and rubbish as frequently as may be necessary.
- (h) *Record of tenants for manufactured home parks.* The operator of a manufactured home park shall keep an accurate register of all tenants occupying manufactured homes located in the park. The register shall show the names and permanent resident address of the owner and occupants of any manufactured home located in the park; the make and registration of any manufactured home; the time and date of arrival and departure; and such other information as might be necessary to provide information about the occupants of the manufactured home. These records shall be open to the law enforcement officers, county commissioner of the revenue, and zoning administrator whose duties necessitate acquisition of the information contained in the register. The register record for each occupant registered shall be retained for a period of three (3) years following the date of departure of the registrant from the park. Additionally, at the beginning of each year the operator of a manufactured home park shall provide to the zoning administrator a current list of the owners and occupants of each home, address, and the lot on which they reside in the manufactured home park along with the make and registration of the manufactured home on each lot.
- (i) *Bonding for construction of streets and utilities.* Prior to obtaining final approval of a manufactured home park site plan and before issuance of any permits for manufactured homes to be located within the park, the owner or developer of the park shall submit to the county a certified check, cash escrow, or letter of credit in the amount of the estimated cost of construction of the streets and utilities and manufacture and installation of the approved street signs. All regulations of the county bonding policy shall be met.

(P.C. Ord. No. 95-1, 2-8-95; P.C. Ord. No. 96-8, 3-13-96; P.C. Ord. No. 06-02, 2-22-06)

## **Sec. 17-141. Manufactured home subdivisions.**

In addition to the requirements set out in section 17-138 and section 17-139, manufactured home subdivisions must also meet the following requirements:

- (a) *Area, setback and lot requirements.* All manufactured home subdivisions shall meet the following minimum area and setback requirements:
  - (1) Manufactured home subdivisions shall have a minimum area of at least ten (10) acres.
  - (2) Each manufactured home lot within a manufactured home subdivision shall be a minimum of ten thousand (10,000) square feet with a minimum street frontage of fifty (50) feet.
  - (3) No main or accessory building shall be located closer than thirty-five (35) feet from any street right-of-way. No main building shall be located closer than twenty-five (25) feet to any other property line of a manufactured home subdivision. No manufactured home shall be closer than fifteen (15) feet to any property line; and no other structure shall be located closer than five (5) feet to any property line.
- (b) *Manufactured home subdivision accessory structures.* All manufactured home accessory structures in a manufactured home subdivision must meet the requirements of section 17-139.
- (c) *Manufactured home subdivision application and site plan required with rezoning request.* Applicants for manufactured home subdivisions shall meet the following minimum requirements for site plans to be submitted with an application for zoning amendment to a manufactured home district:
  - (1) Site plans shall be legibly drawn to scale.
  - (2) A vicinity map showing the location and area of the proposed subdivision.
  - (3) The boundary lines, area and boundary dimensions of the proposed subdivision.
  - (4) The location and dimensions, if any, of all existing streets and street right-of-way, easements, water, sewerage, drainage facilities, and other community facilities and utilities on and adjacent to the proposed subdivision.
  - (5) Proposed layout, including interior streets with dimensions; location and type of solid waste collection facilities; lot lines, dimensions, and areas of manufactured home lots; common open space and recreation areas, common parking areas, and other common areas; recreation building, if any, and other permanent structures.
  - (6) The site plan shall be accompanied by a narrative statement describing how the standards and requirements set forth herein are to be met; a statement that there will be an adequate

supply of potable water from either a public water supply system or from a private water system conforming to all applicable laws, regulations, resolutions and ordinances; and a statement that there will be an adequate sewer system. Both statements on water and sewer shall have preliminary approval from the health official and the director of public works, where appropriate.

- (d) *Manufactured home subdivision--platting.* Upon zoning approval, platting of manufactured home subdivisions shall comply with chapter 16 of the county Code and shall be in substantial accordance with the site plan.
- (e) *Street standards for manufactured home subdivisions.* An internal street system to furnish convenient access to manufactured home stands and other facilities in the park shall be designed such that connection to existing drainage and utility systems is convenient.

(1) The following regulations shall pertain to both private and public streets:

- (a) Applications for entrance permits to manufactured home subdivisions from any public street shall conform to the construction standards of VDOT. New streets entering manufactured home subdivisions shall meet the sight distance requirements of the VDOT minimum standards of entrance to state highways. If sight distance cannot be met, VDOT shall notify the zoning administrator in writing and the park shall not be approved.
- (b) Grades on all streets shall not exceed a ten (10) percent maximum unless an exception is approved by both VDOT and the fire chief for public streets and the fire chief for private streets. An exception may be granted due to terrain or other mitigating circumstances. Written approval of such exception shall be submitted to the zoning administrator prior to the approval of the plat.
- (c) A ten-foot stormwater management and utility easement shall be created on all lot lines of all manufactured home subdivision lots. Applicable stormwater management regulations and design standards shall be met.
- (d) Fire department access shall be provided and maintained to a lot prior to the placement of a structure on said lot. Fire department access roadways shall be an approved surface material, capable of providing emergency vehicles access and support at all times, and shall be a minimum of 24 feet in unobstructed width. The access roadway shall provide a minimum turning radius of 50 feet and minimum vertical clearance of thirteen (13 1/2) feet. No permits shall be issued until such time as the fire chief has notified the zoning administrator in writing that such access has been provided.

(2) Dead-end streets shall be designed as follows for either public or private streets:.

- (a) Dead-end streets shall not exceed eight hundred (800) feet or be less than one hundred fifty (150) feet, and shall meet the following requirements:

- (1) Dead-end streets shall terminate in an approved cul-de-sac with pavement radii of not less than forty-five (45) feet and a right-of-way radii of not less than sixty (60) feet.
- (2) The length shall be measured from the end of the cul-de-sac to the closest intersection, which provides a means of egress from the park either directly or indirectly (see figure 1)
- (3) Dead-end streets that provide direct means of egress shall do so by connecting to a street that provides a direct means of egress (see figure 1)

GRAPHIC UNAVAILABLE: Figure 1

- (b) Lengths of greater than eight hundred (800) feet shall be allowed if the following conditions are met:
  - (1) Dead-end streets with lengths of greater than eight hundred (800) feet shall require written approval, prior to submission by the fire chief, VDOT (if public street), and the director of public works (if served by public utilities);
  - (2) An easement from the turnaround to another street provides for a looped water system unless the system is otherwise looped; unless otherwise approved by the director of public works if served by public utilities.
  - (3) The dead-end street is designed as a dual street with a landscaped median over its entire length, which divides the dead-end street into two (2) distinct and separate lanes. Whether constructed as private or public, the construction of the lanes, right-of-way and median shall be constructed in accordance with VDOT standards. Median breaks shall be provided at every intersection and at other points at intervals of no more than three hundred (300) feet or as otherwise specified by the reviewing parties. Median breaks shall be designed to VDOT standards; and
  - (4) Fire hydrants shall be placed as required by the fire chief.
- (3) *Public streets.* In addition to the requirements in section 17-141(e)(1) and (2) above, streets within a manufactured home subdivision intended to be dedicated as public streets shall comply with the requirements of chapter 16 of this Code and to the additional following requirements:
  - (a) Application to have a street accepted into the state secondary highway system may be completed by the developer and submitted to the county and VDOT within three (3) months after the county has issued a certificate of occupancy for the third structure addressed on said street and shall be completed and submitted

to the county and VDOT within three (3) months after there are residences on seventy-five (75) percent of the lots in the manufactured home subdivision or in a section of the subdivision when developed in sections. At that time the street shall meet VDOT secondary road standards.

- (b) In the event that the county has accepted the dedication of a street for public use by approval of a recorded manufactured home subdivision plat, and such road, upon its completion, is not accepted into the VDOT secondary highway system, prior to the release of the improvements bond, the subdivider or developer shall be required to furnish the county with a maintenance and indemnifying bond, either by cash escrow or letter of credit, with surety satisfactory to the agent in an amount sufficient for and conditioned upon, the maintenance of such road until such time as it is accepted into the state secondary highway system. As a minimum the amount of the maintenance and indemnifying bond shall be twenty-five (25) percent of the amount of the original assurance provided to the county at the time the final plat was approved. The amount of the maintenance bond shall be determined by the agent, public works director and highway engineer. In any event when the third certificate of occupancy for a structure addressed on a street is issued, the developer must comply with section 16-15(o) of the Rockingham County Code. If it is determined by the county and VDOT that the developer has not complied with these requirements, the county may call the maintenance and indemnifying bond and use the proceeds therefrom to have the streets brought up to standards to be taken into the state secondary highway system and shall withhold any building permits or certificates of occupancy until streets are accepted into VDOT's secondary highway system. If for any reason the funds held by the county to bring the road up to state standards are not adequate for completion of the work, the developer shall be responsible for any cost over and above the amount of funds held by the county.
  - (c) For the purposes of this chapter, "maintenance of the road" shall be deemed to mean maintenance of the streets, curb, gutter, ditches, stormwater management facilities, utilities, street signs or other street improvements, including the correction of defects of damages, so as to keep such road open for public usage.
- (4) *Private streets.* In addition to the requirements of section 17-141(e)(1) and (2), private manufactured home subdivision streets shall meet the following requirements:
  - a. All internal streets shall be permanently paved with a durable dustproof, hard surface. Minimum pavement widths shall be twenty-four (24) feet. Pavement widths shall be measured from curbface to curbface.
  - b. No request shall be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for streets.

- c. The grantee is required to belong to a property owner's association for the maintenance of the private streets within the subdivision and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.
  - d. In lieu of the property owner's association provided in subparagraph (2) of this subsection such deed shall contain a provision for payment of a fixed annual assessment to developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of developer or third party to make a fixed annual assessment.
- (f) *Maintenance of private streets.* No conveyance in a manufactured home subdivision, whether by a developer or subsequent owner, of any lot fronting on a private right-of-way or easement shall be recorded unless the deed of conveyance is signed by the grantee and contains language and is accompanied by a duly recorded restrictive covenant to specify that:
- (1) No request shall be made to have the lot herein conveyed served by a public street unless and until the private street serving said lot has been dedicated and constructed, at no cost to the county or to the department of transportation, to the then current standards for streets.
  - (2) The grantee is required to belong to a property owner's association for the maintenance of the private streets within the subdivision and is liable for payment of an annual assessment for the upkeep and maintenance of said private streets.
  - (3) In lieu of the property owner's association provided in subparagraph (2) of this subsection such deed shall contain a provision for payment of a fixed annual assessment to developer or a third party for maintenance of said streets and in default thereof by developer or third party, the property owners shall take over such street maintenance and shall be empowered with the rights of developer or third party to make a fixed annual assessment.
- (g) *Vehicle parking in manufactured home subdivisions.* Each off-street parking area shall be paved or graveled and have unobstructed access to either a public or private street.
- (h) *Bonding for construction of streets and utilities.* Prior to obtaining final approval of the subdivision plat for a manufactured home subdivision and prior to the sale of any lots within the subdivision, the owner or developer of the subdivision shall submit to the county a certified check, cash escrow, or letter of credit in the amount of the estimated cost of construction of the streets and utilities. All regulations of the county bonding policy shall be met.

(P.C. Ord. No. 95-1, 2-28-95; P.C. Ord. No. 06-02, 2-22-06)

**Sec. 17-142--17-144. Reserved.**

## **DIVISION 6A.**



## **WIRELESS TELECOMMUNICATIONS FACILITIES**

### **Sec. 17-145. Purpose and intent.**

The general purpose of this article is to regulate the placement, construction, and modification of towers and telecommunications facilities in order to protect the health, safety, welfare of the public, and character of the area while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the county.

Specifically, the purposes of this article are to:

- (1) Facilitate the provision of wireless telecommunications services to the residents and businesses of the county in an orderly fashion;
- (2) Regulate the location of telecommunications facilities in the county;
- (3) Minimize adverse visual impacts associated with wireless telecommunications facilities through careful design, siting, landscaping, and innovative camouflaging techniques;
- (4) Promote and encourage collocation and utilization of adapted support structures to minimize the proliferation of towers;
- (5) Avoid potential harm to persons and damage to property posed by towers and wireless telecommunications facilities by ensuring that such facilities are soundly and carefully designed, constructed, modified, maintained and removed when no longer used or determined to be structurally unsound;
- (6) Ensure that the deployment of wireless telecommunications facilities is compatible with surrounding land uses;
- (7) Protect the county's rural and scenic landscapes, including but not limited to cultural and historic sites;

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

### **Sec. 17-145.01. Applicability.**

(a) *Limitations.* The requirements set forth in this division shall govern the siting of antennas, antenna support structures and associated facilities unless specifically excluded herein.

(b) *Amateur radios.* This division shall not govern any amateur radio, or its installation, if it is owned and operated by a federally licensed amateur radio station operator and used exclusively for noncommercial purposes.

(c) *Television reception antennas.* This division shall not govern any television reception antenna or its installation, if it is less than fifty (50) feet in height and is used exclusively for noncommercial purposes.

(d) *Satellite earth station antenna.* This division shall not govern any satellite earth station antenna less than six (6) feet in diameter, which is used for noncommercial purposes.  
(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

## **Sec. 17-145.02. General requirements.**

The requirements for siting, design and construction of all wireless telecommunications facilities regulated by this division shall include the following:

- (1) All wireless service providers and tower development companies owning and/or operating wireless telecommunication facilities in the county shall submit by February 1 of each year an inventory of their facilities identifying the following:
  - a. Antenna support structure owners shall identify the structure location (latitude and longitude), street address, structure type (e.g. monopole, guyed, etc.), structure height and FCC antenna support registration number. Antenna support structure owners shall identify each antenna located on the structure by owner, antenna type (e.g. panel, stick, dish, etc.) and antenna height (centerline elevation).
  - b. Wireless service providers shall identify the structure owner, structure location (latitude and longitude), street address, structure type (e.g. monopole, guyed, etc.), antenna type (e.g. panel, stick, dish, etc.) antenna height (centerline elevation) and broadcast license area.
  - c. Antenna support structure owners shall notify the director of community development in writing of any change in ownership within forty-five (45) days of this action.
- (2) Prior to granting zoning approval for the construction of a new antenna support structure, the applicant must demonstrate to the reasonable satisfaction of the county that no other structures can be utilized to reasonably achieve the applicant's radio frequency coverage objectives.
- (3) Antenna support structures shall maintain a galvanized steel finish unless required to be painted in accordance with FAA guidelines. Antennas shall be of a neutral, nonreflective color with no logos. Under certain circumstances, the county may request that the structure and ancillary equipment be painted in order to conform the facilities to the surrounding environment and architecture.
- (4) The design of wireless telecommunications facilities shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.
- (5) Antennas and ancillary equipment installed on an adapted support structure shall be of a color that is identical to, or closely compatible with, the color of the structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (6) Antenna support structures shall not be artificially lighted, unless required by the FAA or other

regulatory authority. If lighting is required, the county may require the applicant to install special design lighting systems to minimize the visual impacts on surrounding properties.

- (7) No advertising of any type may be placed on the antenna support structure or other components comprising the wireless telecommunications facility.
- (8) A sign is required displaying the facility owner's name, address, FCC antenna support registration number and emergency contact phone number. The sign shall not exceed four (4) square feet in size and shall be located on the security fence or other approved location.
- (9) Prior to issuance of a building permit to construct an antenna support structure, there shall be a legally binding commitment by at least one wireless service provider to locate his equipment on the proposed structure upon its construction.
- (10) If the proposed wireless telecommunications facility is located within one (1) mile of a national or state forest, national or state park, wildlife management area, or known historic or cultural resource site, then the county shall notify that entity in writing.
- (11) Signs warning of electromagnetic energy emissions shall be posted at wireless telecommunication facilities pursuant to FCC regulations.
- (12) Applications proposing new antenna support structures greater than one hundred (100) feet in height are encouraged, though not required, to conduct a public information meeting to discuss their development plans and obtain community feedback prior to application submission.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.03. Balloon test requirements.**

A balloon test shall be conducted prior to the public hearing before the board of supervisors for any telecommunications tower that exceeds one hundred (100) feet in height. The date and time shall be posted on the sign specified in section 17-145.06(b), public notification requirements. If inclement weather precludes performing the test, an alternate date shall be coordinated with the county.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.04. Application submission, fees and review process.**

(a) A completed wireless telecommunications facility application and all supporting documentation identified in section 17-145.13, requirements for wireless telecommunications development plan, shall be submitted in accordance with the appropriate review schedule.

(b) An application fee as established by resolution by the board of supervisors shall be submitted with the wireless telecommunications facility application.

(c) The wireless telecommunications facility application shall be reviewed by the county for compliance. An incomplete application shall be returned to the applicant for correction and resubmission.

(d) The county may employ the services of a radio frequency engineer to review wireless telecommunications facilities applications.

(e) All telecommunications facilities will be reviewed according to the following provisions:

(1) *Administrative review process.* Applications proposing the following shall be permitted "by-right" and be reviewed and approved by the director of community development:

- a. The collocation of antennas on existing antenna support structures provided it does not result in an overall increase in the height of the structure.
- b. The installation of antennas and equipment on adapted support structures provided the overall increase in height shall not exceed one hundred twenty (120) percent of the structure's height. The installation shall to the extent possible, use materials, colors, textures, and other appropriate techniques to blend the installation with the support structure.
- c. The collocation of antennas on public and private utilities in all zoning districts. The antenna's height shall be limited to one hundred twenty (120) percent of the structure's height.

(2) *Special use permit process.* The board of supervisors shall require a public hearing under the special use permit process for all applications for wireless telecommunication facilities not permitted "by-right." At the public hearing, a representative for the applicant qualified to address technical and engineering-related concerns shall be present.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.05. Method of determining telecommunications facility height.**

Measurement of antenna support structure height for the purpose of determining compliance with the requirements of this article shall include the structure, foundation, and any facilities attached thereto which extend above the top of the structure. Telecommunications facility height shall be measured from ground level. (P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.06. Public notification requirements.**

(a) *Adjoining landowner notification.* Prior to the consideration of any application under the administrative review process the county shall notify all adjoining landowners in writing. No action shall be taken by the county until two (2) weeks after the mail date. Applications requiring a special use permit shall meet all state code requirements for public notification.

(b) *Neighborhood notification.* Except for applications considered under the administrative review process, the following shall apply:

The county shall post a sign on the property giving notice that a telecommunications facility application has been filed; said sign shall be located within one (1) foot of the right-of-way of each public street or

road, upon which the proposed telecommunications facility fronts. The sign shall be placed on the property at main access to the site of the proposed telecommunications facility. Where property does not front on an existing public right-of-way, said sign shall be placed within the right-of-way of the nearest street or road.

(c) *Additional public notification.* Subsequent to the filing of an application, an "Intent to Construct" sign shall be posted by the county approximately one-half ( 1/2) mile from the site on all roads serving the said property. These provisions shall apply to telecommunications facility applications for towers that exceed one hundred (100) feet in height.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.07. Federal requirements.**

Telecommunications facilities shall meet or exceed all applicable federal standards and regulations set forth by the FAA, FCC and other agencies with the authority to regulate such facilities. If such standards and regulations are changed, then the owners and operators of the telecommunications facilities governed by this division shall bring such telecommunications facilities into compliance as required. Failure to comply with federal standards and regulations shall constitute grounds for condemnation and removal of the noncompliant facilities by the county at the owner's or operator's expense. At final zoning approval, the applicant shall supply the following reports pursuant to federal requirements:

- (1) An air navigation hazard determination report prepared by the FAA.
- (2) FCC environmental compliance report prepared in accordance with the National Environmental Policy Act of 1969 (NEPA).
- (3) Report describing the impact on historic resources prepared in accordance with Section 106 of the National Historic Preservation Act of 1966 (NHPA). This report should be accompanied by written comment by the state historic preservation office.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.08. Structural requirements.**

(a) Prior to the use or extension of any structure to be used to support antennas, the applicant shall have obtained certification of the structural integrity by a registered professional engineer licensed in the commonwealth and a copy of such report shall be submitted to the county.

(b) Owners of telecommunications facilities shall maintain said facilities such that they are in compliance with standards contained in applicable federal, state and local building codes and regulations.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.09. Interference with public safety radio services.**

In order to ensure that the county and the City of Harrisonburg public safety radio systems are free from harmful or destructive interference, each applicant requesting a permit to operate a wireless telecommunications facility shall:

- (1) Demonstrate compliance with good engineering practices;
- (2) Provide the county a copy of all intermodulation studies submitted to the FCC;
- (3) Not induce harmful or destructive interference to the county or city public safety radio system;
- (4) Comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference (RFI); and
- (5) Provide the county with a copy of its FCC frequency license.

(P.C. Ord. No. 97-22, 10-8-97; P.C. Ord. No. 00-11, 10-25-00)

#### **Sec. 17-145.10. Setbacks and separation.**

(a) The following setbacks and separation requirements shall apply to all wireless telecommunications facilities:

- (1) Antenna support structures shall be set back a distance equal to one hundred ten (110) percent of the height of the structure from all adjacent property lines and a distance equal to one hundred fifty (150) percent of the height of the structure from any off-site structures used for human habitation. Setbacks for telecommunications antenna support structures shall be measured from the base of the structure to the property line of the parcel on which it is located and to the nearest corner of the off-site structure, as applicable. The setback from property lines may be reduced by notarized consent of the owner of the property on which the requested telecommunications facility is to be erected and the adjoining landowner whose property line falls within the specified distance. Setback requirements shall not preclude the construction of habitable buildings on adjacent parcels following the construction of the structure.
- (2) Wireless telecommunications facilities shall meet all setback requirements for primary structures for the zoning district in which the telecommunications facility is located in addition to the requirements as set forth in 17-145.10(a).

(b) Fall zones:

- (1) Antenna support structures shall be designed to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.

(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.11. Security requirements.**

The following requirements shall govern the securing of telecommunications facilities:

- (1) Wireless telecommunications facilities shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device unless determined by the county not to be warranted.
- (2) If a telecommunications tower or antenna is mounted on an alternative support structure the security fencing shall not be required unless the county determines that its safety requirements are not met without it.
- (3) Monopoles and other single-pole structures, standing alone, shall be secured by anti-climbing devices.

(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.12. Landscaping requirements.**

The following requirements for the planting and maintenance of landscaping surrounding telecommunications facilities shall be met.

- (1) Telecommunications facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings and fence from adjacent property. The standard buffer shall consist of a landscaped strip at least ten (10) feet wide outside the perimeter of the compound. The applicant shall propose plant species indigenous to the region. Plant material shall be designed to screen the facility to a height of at least six (6) feet above ground level.
- (2) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as telecommunications facilities sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer such that landscaping is not warranted.
- (3) The permittee is responsible for maintaining all plant material in a healthy condition. Any replacement plants shall be consistent with existing plantings.

(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.13. Requirements for telecommunications development plan.**

Each applicant proposing wireless telecommunications facilities shall submit the following information as applicable:

- (1) The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent of the owner, and the name, address, and telephone number of the owner shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant agree to comply with the provisions regarding abandonment.
- (2) The legal description, tax map number, and street address of the parcel of land upon which the

structure is proposed.

- (3) The location (latitude and longitude), structure height, name, address, and telephone number of the structure owner of all potential collocatable structures within a three-mile radius of the proposed structure. This provision shall not apply to collocation applications.
- (4) If applicable, written documentation that the applicant made a diligent, but unsuccessful effort to gain permission to install or collocate the applicant's telecommunications facility on existing or proposed towers, and their ground area, or usable support structures owned by other persons located within a three-mile radius of the proposed tower site. This provision shall not apply to collocation applications.
- (5) Written, technical evidence from a structural engineer that the existing or proposed structure meets the standards set forth in section 17-145.08, structural requirements.
- (6) A map of the county and the first half-mile of all bordering communities showing the design of the applicant's entire existing or proposed (pending applications) wireless telecommunications network. Such map shall, at minimum, indicate the general location of all proposed or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
- (7) Color photo simulations showing to scale representations of the proposed structure and associated facilities as it would appear viewed from the closest residential property or properties and from adjacent roadways. A minimum of six (6) photo simulations shall be provided. A map (to scale) shall be supplied identifying the location of each photo. Before and after photo exhibits should be presented. This provision shall not apply to collocation on existing antenna support or installations on adapted antenna support structures.
- (8) A surveyed site plan, including a description of the lot lines, showing set backs, location of adjacent structures, location of the proposed structure, separation distances, elevation view of the structure showing the location of the proposed antennas, landscaping, screening, access, parking, and security.
- (9) An acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.
- (10) A radio frequency engineers statement which specifically describes the radio signal coverage area objective, the "hand-off" sites, radio technology being used (e.g. cellular, PCS, SMR, etc.), equipment specifications, propagation modeling software, methodology and the factors and assumptions used in the analysis.

(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

#### **Sec. 17-145.14. Removal of defective or abandoned telecommunications facilities.**

Any component of a wireless telecommunications facility found to be defective or unsafe shall be repaired immediately by the owner or operator of such facilities to comply with federal, state and local safety standards or removed within forty-five (45) days upon written notice at the expense of the owner or operator.



Any component of a telecommunications facility that is not operated for a continuous period of six (6) months shall be considered abandoned, and the owner or operator of such component shall remove same within ninety (90) days of receipt of notice from the county notifying the owner/operator of such removal requirement. Should the entire wireless telecommunications facility be ordered removed, removal includes the removal of the antenna support structure, fence, buildings, cabinets and all other above-ground facilities. With the exception of underground fuel storage tanks, below-ground facilities may remain. Equipment buildings may remain with the landowner's approval. If there are two (2) or more users of a wireless telecommunications facility then this provision shall not become effective until all users cease using the antennas support structure. If the defective or abandoned facilities are not removed as herein required, the county may either seek court enforcement of such removal or the county may remove the facilities at the expense of the owner or operator as the county, in its sole discretion, determines.

Prior to the issuance of a building permit for a telecommunications structure, the applicant shall submit to the director of community development a bond, irrevocable letter of credit, or other appropriate surety acceptable to the county in the amount of ten thousand dollars (\$10,000.00) or twenty-five (25) percent of the material costs of the structure, whichever is greater, to secure the cost of removing the tower and restoring the site to its original condition to the extent reasonably possible. Foundations shall be removed to a depth of two (2) feet below ground level or covered to an equivalent depth with fill material. In the event that such bond, irrevocable letter of credit, or other appropriate surety expires or is canceled, proceedings to revoke or terminate this special use permit may be initiated by the board of supervisors or its designee.  
(P.C. Ord. No. 00-11, 10-25-00; P.C. Ord. No. 02-03, 4-10-02)

## **DIVISION 6B.**

### **WIND ENERGY SYSTEMS**

#### **Sec. 17-146. Purpose and intent.**

The purpose of this article is to regulate the placement, construction and modification of small wind energy systems while promoting the safe, effective and efficient use of small wind energy systems and not unreasonably interfering with the development of independent renewable energy sources.  
(P.C. Ord. No. 04-10, 9-22-04)

#### **Sec. 14-146.01. Applicability.**

The requirements set forth in this division shall govern the siting of small wind energy systems used to generate electricity or perform work which may be connected to the utility grid pursuant to the Virginia's net metering laws (Code of Virginia (COV) § 56-594), serve as an independent source of energy, or serve in a hybrid system.  
(P.C. Ord. No. 04-10, 9-22-04)

#### **Sec. 17-146.02. Siting requirements.**

The requirements for siting and construction of all small wind energy systems regulated by this division shall include the following:

- (1) Small wind energy towers shall maintain a galvanized steel finish, unless FAA standards require otherwise, or if the owner is attempting to conform the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. A photo simulation may be required at the request of the board of supervisors.
- (2) Small wind energy systems shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or appropriate authority.
- (3) No tower should have any sign, writing, or picture that may be construed as advertising.
- (4) Small wind energy systems shall not exceed sixty (60) decibels, as measured at the closest property line. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (5) A small wind energy system shall be located on a parcel that, at minimum, is one (1) acre in size.
- (6) The applicant shall provide evidence that the proposed height of the small wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- (7) The applicant shall provide evidence that the provider of electric utility service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid. This notification will take place by having the electric utility provider sign the special use permit application. This signature does not construe approval for net metering by the electric utility.
- (8) The applicant will provide information demonstrating that the system will be used primarily to reduce on-site consumption of electricity.
- (9) The tower height shall not exceed a maximum height of sixty-five (65) feet on a parcel of less than five (5) acres, or a maximum height of eighty (80) feet on a parcel of five (5) acres or more.
- (10) The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The lowest point of the arc of the blade shall also be ten (10) feet above the height of any structure within one hundred fifty (150) feet of the base. The supporting tower shall also be enclosed with a six-foot tall fence or the base of the tower shall not be climbable for a distance of twelve (12) feet.
- (11) The applicant provides proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant will be required to meet the insurance coverage requirements set forth in 20 VAC 5-315-60.
- (12) The small wind energy system generators and alternators should be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of Section 47 of

the Federal Code of Regulations, Part 15 and subsequent revisions governing said emissions.  
(P.C. Ord. No. 04-10, 9-22-04)

### **Sec. 17-146.03. Review process.**

The landowner will adhere to the special use permit process as provided by article VIII of this chapter.  
(P.C. Ord. No. 04-10, 9-22-04)

### **Sec. 17-146.04 Federal and state requirements.**

(a) *Compliance with Uniform Statewide Building Code:* Building permit applications for wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.

(b) *Compliance with FAA Regulations:* Wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

(c) *Compliance with National Electric Code:* Building permit applications for wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.

(d) *Compliance with regulations governing energy net metering:* Wind energy systems connected to the utility grid must comply with the Virginia Administrative Code 20 VAC 5-315: Regulations Governing Energy Net Metering.  
(P.C. Ord. No. 04-10, 9-22-04)

### **Sec. 17-146.05. Setbacks.**

The wind energy system shall be set back a distance at least equal to one hundred ten (110) percent of the height of the tower plus the blade length from all adjacent property lines and a distance equal at least to one hundred fifty (150) percent of the tower height plus blade length from any dwelling inhabited by humans on neighboring property. These setbacks may be reduced by notarized consent of the owner of the property on which the requested wind energy system is to be erected and the adjacent landowner whose property line or dwelling falls within the specified distance. Additionally such adjacent landowner must execute a deed of easement for the benefit of the property on which the wind energy system is to be erected prohibiting construction of any new structure on such adjacent property within the specified easement. Wind energy systems shall meet all setback requirements for primary structures for the zoning district in which the wind energy system is located in addition to the requirements set forth above. Additionally, no portion of the small wind energy system, including guy wire anchors, may extend closer than ten (10) feet to the property line.  
(P.C. Ord. No. 04-10, 9-22-04)

### **Sec. 17-146.06. Removal of defective or abandoned wind energy systems.**

Any wind energy system found to be unsafe by the building official shall be repaired by the owner to meet federal, state and local safety standards or removed within six (6) months. Any wind energy system that is

not operated for a continuous period of twenty-four (24) months shall be considered abandoned and the owner of the system shall remove the turbine within ninety (90) days of receipt of notice from the county instructing the owner to remove the abandoned wind energy system.

(P.C. Ord. No. 04-10, 9-22-04)

## **DIVISION 6C.**

### **FARM WINERY**

#### **Sec. 17-147. Purpose and intent.**

The purpose of this article is to regulate and facilitate the development of farm wineries.

(P.C. Ord. No. 05-17, 12-14-05)

#### **Sec. 17-147.01. Applicability.**

The requirements set forth in this division shall govern the development of farm wineries, in conjunction with the applicant additionally meeting all requirements set forth by the state alcoholic beverage control board.

(P.C. Ord. No. 05-17, 12-14-05)

#### **Sec. 17-147.02. Site requirements.**

Each farm winery shall be subject to the following:

- a. After obtaining approval from the county the owner shall obtain a farm winery license from the state alcoholic beverage control board. At least fifty-one (51) percent of the fresh fruits or agricultural products used by the owner to manufacture the wine shall be grown or produced on the farm, unless the state alcoholic beverage control board and zoning administrator waives such requirement. If, in the event of drought, natural disaster, disease or other cause beyond the control of the owner there are not sufficient grapes grown on the premises to allow the owner to meet normal annual production the owner may petition in writing for a one-year waiver of the fifty-one (51) percent rule. For the rule to be waived, approval must be given by both the state alcoholic beverage control board, and the zoning administrator and the owner shall be notified in writing by the zoning administrator of such waiver. The fifty-one (51) percent rule shall not be waived for more than three (3) consecutive years.
- b. Facilities for fermenting and/or bottling wine shall not be established until the vineyard, orchard or other growing area has been established and is in production.
- c. The following uses and activities are permitted at a farm winery with the prior approval of a site plan as provided in subsection (d). Special events and festivals are also subject to the additional requirements set forth in subsection (e):
  1. On-premise sale of wine, associated products and wine tasting. One (1) location may be established on each farm for the on-premise sale of wine and associated products and wine tasting. The aggregate total floor area for such sales and wine tasting shall not

exceed fifteen hundred (1,500) square feet. A special use permit may authorize the aggregate floor area to exceed fifteen hundred (1,500) square feet;

2. Daily tours. Daily tours of a farm winery shall be permitted;
  3. Special events. Special events shall be permitted up to twelve (12) times per year. For purposes of this section, a special event is an event conducted at a farm winery on a single day for which attendance is allowed only by invitation or reservation. Special events include, but are not limited to, meetings, conferences, banquets, dinners, wedding receptions, private parties and other events conducted for the purpose of marketing wine. A special use permit may authorize the number of special events per year to exceed twelve (12).
  4. Festivals. Festivals shall be permitted up to four (4) times per year. For purposes of this section, a festival is an event conducted at a farm winery for up to three (3) consecutive days which is open to the general public and conducted for the purpose of marketing wine.
- d. A use or activity identified in subsection (c) is authorized only with the prior approval of a site plan.
  - e. Special events and festivals shall be also subject to the following:
    1. The owner shall obtain a special entertainment permit prior to conducting a festival. A single special entertainment permit may be obtained for one (1) or more such festivals as provided herein:
      - a. The owner shall apply for a special entertainment permit at least thirty (30) days prior to the date of the first festival to be authorized by the special entertainment permit. The application shall be submitted to the zoning administrator, who shall forward copies of the application to the county sheriff's office, the county fire and rescue division, and the local office of the state department of health;
      - b. The application shall describe the nature of each festival to be authorized by the special entertainment permit, the date or dates and hours of operation of each such festival, the facilities, buildings and structures to be used, and the number of participants allowed to attend each festival;
      - c. Upon a determination that all requirements of the zoning ordinance are satisfied and upon receiving approval, and any conditions of such approval, from the other county offices receiving copies of the application, the zoning administrator shall issue a special entertainment permit for one or more festivals. The special entertainment permit shall be conditional upon the owner's compliance with all requirements of the zoning ordinance and all conditions imposed by the special entertainment permit;

- d. The zoning administrator may issue a single special entertainment permit for two (2) or more festivals if:
  - (i) The application submitted by the owner includes the required information for each festival to be covered by the special entertainment permit;
  - (ii) The zoning administrator determines that each such festival is substantially similar in nature and size; and
  - (iii) The zoning administrator determines that a single set of conditions that would apply to each such festival may be imposed with the special entertainment permit.
- 2. No kitchen facility permitted by the health department as a commercial kitchen shall be allowed on the farm. A kitchen may be used by licensed caterers for the handling, warming and distribution of food, but not for cooking food, to be served at such special event or festival;

- 3. An outdoor amplified sound system shall be prohibited after midnight.

(P.C. Ord. No. 05-17, 12-14-05)

**Sec. 17-148--17-157. Reserved.**

## **DIVISION 7.**

### **NONCONFORMING LOTS, STRUCTURES, AND USES**

#### **Sec. 17-158. Continuance--Requirements.**

Any lots, structures, or uses of land existing at the time of enactment of this chapter, and amendments thereto, or with changes in district boundaries, but not in conformity with the chapter regulations and provisions, may be continued subject to the following provisions of this division.

(P.C. Ord. No. 84-5, § 710.00, 10-10-84)

#### **Sec. 17-159. Lots of record.**

Where a lot of record before October 14, 1969 does not contain land of sufficient area or width to permit conformity with the dimensional requirements of this chapter, the following provisions shall apply:

- (a) When two (2) or more adjoining and vacant lots with continuous frontage are in single ownership at the time of the enactment of this chapter or amendments thereto, and each of such lots have a width or lot area less than is required by the district in which they are located, such lots may be utilized as one (1) or more building sites provided all applicable requirements of this chapter are met;
- (b) Where a single nonconforming lot of record at the time of enactment or amendment of this

chapter is not of continuous frontage with other lots in the same ownership, such lots may be used as a building site, provided the yard dimensions and requirements other than those applying to area or width of the lot shall conform to the regulations for the district in which such lot is located. Variances of yard requirements may be obtained only through appeal to the board of zoning appeals, as outlined in section 17-217.

(P.C. Ord. No. 84-5, § 710.01, 10-10-84)

#### **Sec. 17-160. Nonconforming structures.**

Where a lawful structure exists at the time of enactment or amendment of this chapter that could not be built in the district in which it is located by reason or restrictions on area, lot covering, height, yard dimensions, or other requirements, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (a) Additions or extensions may be made to a structure which is nonconforming as to height, area, or yard regulations but devoted to a conforming use provided said addition or extension:
  - (1) Does not further reduce any nonconforming setback or otherwise make the structure more nonconforming;
  - (2) Has approval from the Virginia Department of Transportation if addition or extension does not meet current setback from the road;
  - (3) Complies with all other height, area and yard requirements for the district in which it is located; and
  - (4) The zoning approval shall have the concurrence of the county administrator prior to being issued.
- (b) Should a nonconforming structure be moved, it shall thereafter conform to the yard dimension requirements of the district in which it is located after it is moved. However, a nonconforming manufactured home may be replaced within sixty (60) days of removing the previous manufactured home provided the replacement does not encroach upon any yard setback requirements to a greater extent than the previous manufactured home.
- (c) If a nonconforming structure devoted to a conforming use, or a conforming structure devoted to a nonconforming use, or a nonconforming structure devoted to a nonconforming use is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall not exceed fifty (50) percent of current fair market value of the structure before the destruction, it may be repaired or restored provided any repair or restoration is started within six (6) months and completed within twelve (12) months from the date of partial destruction.
- (d) If a nonconforming structure devoted to a nonconforming use or a conforming structure devoted to a nonconforming use, or a nonconforming structure devoted to a nonconforming use is destroyed or damaged in any manner to the extent that the cost of restoration to its condition

before the occurrence shall exceed fifty (50) percent of current fair market value of the structure before the destruction; it may be repaired or restored only upon issuance of a special permit by the administrator with the approval of the board of supervisors. In approving such a permit, the board of supervisors shall consider the stated purposes for the establishing of the zoning district in which the structure is located, the uses of the area immediately surrounding the structure in question, particularly other nonconforming uses, and the hardship which would result from a denial of the special permit. The permit may contain conditions regarding the repair and restoration which in the opinion of the board of supervisors shall be necessary to carry out the intent of this section and this chapter.

- (e) The construction of a nonconforming structure for which a permit was issued legally prior to the enactment or amendment of this chapter but becomes nonconforming by the enactment or amendment may proceed, provided such building is completed within one (1) year.

(P.C. Ord. No. 84-5, § 710.02, 10-10-84; P.C. Ord. No. 3-93, 5-12-93; P.C. Ord. No. 95-12, 10-25-95)

#### **Sec. 17-161. Nonconforming uses of land.**

Where lawful use of land exists at the time of enactment or amendment of this chapter that would not be permitted by the regulations imposed herein and where such is either: (1) an accessory use not involving the use of an accessory structure; or (2) a principal use involving no individual structure, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the time of enactment or amendment of this chapter.
- (b) No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the time of enactment or amendment of this chapter.
- (c) If any change in title or possession or renewal of lease of any such land where a nonconforming use exists, the existing use may be continued, so long as the requirements of the following subsection are complied with.
- (d) If any nonconforming use is discontinued for a period exceeding two (2) years after the enactment or amendment of this chapter, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.
- (e) Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this chapter are excluded.
- (f) This construction or establishment of a use which a permit was issued legally prior to the enactment or amendment of this chapter but becomes nonconforming by the enactment or amendment may proceed, provided such establishment is completed within one (1) year.

(P.C. Ord. No. 84-5, § 710.03, 10-10-84; P.C. Ord. No. 94-7, 5-25-94)

#### **Sec. 17-162. Nonconforming uses of structures.**



Where a lawful use involving an individual structure or structures in combination exists at the time of enactment or amendment of this chapter, that would not be permitted in the district in which it is located under the requirements of this chapter, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (a) A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use becomes nonconforming.
- (b) A conforming structure devoted to a nonconforming use may be expanded or enlarged only upon the issuance of a special use permit approved by the board of supervisors; provided that such expansion or enlargement is necessary to meet the normal growth and development need of the nonconforming use and is limited to the original lot or parcel of land on which the conforming structure is located and only if such enlargement does not make the structure nonconforming.
- (c) Whenever a nonconforming use of a structure has been changed to a more limited use, and continues for period of at least one (1) year, thereafter future use of the structure shall be limited to such reduced or more limited nonconforming use.
- (d) If any change in title or possession or renewal of a lease of any structure occurs, the existing use may be continued, provided the requirements of the following subsection are met.
- (e) If any nonconforming use within any structure is discontinued for a period exceeding two (2) years after the enactment of this chapter, it shall be deemed abandoned and any subsequent use shall conform to the requirements of this chapter.
- (f) Temporary seasonal nonconforming uses that have been in continual operation for a period of two (2) years or more prior to the effective date of this chapter are excluded.
- (g) If a nonconforming structure devoted to a conforming use, or a conforming structure devoted to a nonconforming use, or a nonconforming structure devoted to a nonconforming use is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall not exceed fifty (50) percent of current fair market value of the structure before the destruction, it may be repaired or restored, provided any such repair or restoration is started within six (6) months and completed within twelve (12) months from the date of partial destruction.
- (h) If a nonconforming structure devoted to a conforming use, or a conforming structure devoted to a nonconforming use, or a nonconforming structure devoted to a nonconforming use is destroyed or damaged in any manner to the extent that the cost of restoration to its condition before the occurrence shall exceed fifty (50) percent of the current fair market value of the structure before the destruction, it may be repaired or restored only upon the issuance of a special permit by the administrator with the approval of the board of supervisors. In approving such a permit, the board of supervisors shall consider the stated purposes for the establishing of the zoning district in which the structure is located, the uses of the area immediately surrounding the structure in question, particularly other nonconforming uses, and the hardship that would result from a denial of the special permit. The permit shall include conditions as to the time within which the repair

or restoration must be started and completed and may contain conditions regarding the repair and restoration which in the opinion of the board of supervisors shall be necessary to carry out the intent of this section and chapter.

- (i) The construction of any structure for the establishment of a nonconforming use for which a permit was issued legally prior to the enactment or amendment of this chapter but becomes nonconforming by the enactment or amendment may proceed, provided such building is completed within one (1) year.

(P.C. Ord. No. 84-5, § 710.04, 10-10-84; P.C. Ord. No. 94-7, 5-25-94)

## **DIVISION 8.**

### **AIRPORT SAFETY ZONING\***

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\* **Editors Note:** P.C. Ord. No. 02-11, adopted September 25, 2002, amended the Code by repealing former div. 8, §§ 17-163--17-171, and adding a new div. 8 to read as herein set out. Former div. 8 pertained to restriction of uses adjacent to airports, and derived from P.C. Ord. No. 84-5, adopted October 10, 1984.

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#### **Sec. 17-163. Purpose and authority.**

This division regulates and restricts the height of structures and objects or natural growth, and otherwise incidentally regulates the use of property in the vicinity of the airports in the county by creating the appropriate zones and establishing the boundaries thereof; providing for changes in the restrictions and boundaries of such zones; defining certain terms used herein; providing for enforcement; and imposing penalties.

The division is adopted pursuant to the authority conferred by Title 15.2-2293 through 15.2-2295 of the Code of Virginia, 1950, as amended. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the airports and residents in the county; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of the airports and the public investment therein. Accordingly, it is declared:

- (1) That is necessary in the interest of the public health, safety, and general welfare that the creation or establishment of obstructions that are hazards to air navigation be prevented;
- (2) That the creation or establishment of an obstruction has the potential for being a public nuisance and may injure the area served by the airports;
- (3) That the county derives economic development and enhanced interstate commerce from airports in the county and adjoining jurisdictions that are held strictly to the highest possible safety standards; and
- (4) That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

This division shall be known and may be cited as the "Rockingham County Airport Safety Zoning Ordinance."

(P.C. Ord. No. 02-11, 9-25-02)

**Sec. 17-164. Definitions.**

As used in this division, the following terms shall have the meanings respectively ascribed to them, unless the context clearly requires otherwise:

*Administrator:* The official charged with the enforcement of this division. The official shall be the county director of community development or his or her designee.

*Airport:* Bridgewater Airport, Shenandoah Valley Regional Airport, New Market Airport, and such other airports as may be designated by the administrator.

*Airport elevation:* The highest point on any usable landing surface expressed in feet above mean sea level.

*Approach surface:* A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface, and at the same slope as the approach zone height limitation slope set forth in section 17-167 of this division. The perimeter of the approach surface coincides with the perimeter of the approach zone.

*Approach, transitional, horizontal, and conical zones:* The airspace zones as set forth in section 17-166 of this division.

*Conical surface:* A surface, whose design standards are referenced in section 17-166, extending and sloping horizontally and vertically from the periphery of the horizontal surface.

*Hazard to air navigation:* An obstruction determined by the Virginia Department of Aviation or the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of navigable airspace in the commonwealth.

*Height:* For the purpose of determining the height limits in all zones set forth in this division and shown on the zoning map, the datum shall be mean sea level (M.S.L.) elevation unless otherwise specified.

*Horizontal surface:* A horizontal plane, whose design standards are referenced in section 17-166, above the established airport elevation the perimeter of which coincides with the perimeter of the horizontal zone.

*Nonconforming use:* Any preexisting structure or object of natural growth which is inconsistent with the provisions of this division or any amendment to this division.

*Obstruction:* Any structure, growth, or other object, including a mobile object, which exceeds a limiting height, or penetrates any surface or zone floor, set forth in section 17-167 of this division.

*Permit:* A document issued by the county allowing a person to begin an activity which may result in any structures or vegetation exceeding the height limitations provided for in this division.

*Person:* Any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, or governmental entity. The term includes a trustee, a receiver, an assignee, or a similar representative of any of them.

*Primary surface:* A surface, with a specified width as provided in section 17-166 of this division, longitudinally centered on a runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

*Runway:* A specified area on an airport prepared for landing and takeoff of aircraft.

*Structure:* Any object, including a mobile object, constructed or installed by any person, including but not limited to buildings, towers, cranes, smokestacks, earth formations, towers, poles, and electric lines of overhead transmission routes, flag poles, and ship masts.

*Transitional surfaces:* Surfaces, whose design standards are referenced in 17-166 of this division, which extend outward perpendicular to the runway centerline extended sloping from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces.

*Vegetation:* Any object of natural growth.

*Zone:* All areas provided for in section 17-166 of this division, generally described in three (3) dimensions by reference to ground elevation, vertical distances from the ground elevation, horizontal distances from the runway centerline and the primary and horizontal surfaces, with the zone floor set at specific vertical limits by the surfaces found in section 17-167 of this division.  
(P.C. Ord. No. 02-11, 9-25-02)

## **Sec. 17-165. Airport safety zones.**

(a) In order to carry out the provisions of this division, there are hereby established certain zones which include all of the area and airspace of the county lying equal to and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. These zones are established as overlay zones, superimposed over the existing base zones, being more specifically zones of airspace that do not affect the uses and activities of the base zones except as provided for in section 17-168 of this division. An area located in more than one (1) of the following zones is considered to be only in the zone with the most restrictive height limitation. These zones are as follows:

- (1) Airport zone: A zone that is centered about the runway and primary surface, with the floor set by the horizontal surface.
- (2) Approach zone: A zone that extends away from the runway ends along the extended runway centerline, with the floor set by the approach surfaces.
- (3) Transitional zone: A zone that fans away perpendicular to the runway centerline and approach surfaces, with the floor set by the transitional surfaces.
- (4) Conical zone: A zone that circles around the periphery of and outward from the horizontal

surface, with the floor set by the conical surface.

- (5) The source of the specific geometric standards for these zones for Shenandoah Valley Regional Airport are found in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, as amended from time to time, or in successor federal regulations. A current copy of these standards is found in Appendix A of P.C. Ord. No. 02-11. The source of the specific geometric standards for these zones for Bridgewater Airport and New Market Airport are found in 24 Virginia Administrative Code 5-20-140, as amended from time to time, or in successor State regulation. A correct copy of these standards is found in Appendix B of P.C. Ord. No. 02-11. Appendices A and B are not set out herein but are on file and available for inspection in the office of the county clerk.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-166. Airport safety zone height limitations.**

(a) Except as otherwise provided in this division, in any zone created by this division no structure shall be erected, altered, or maintained, and no vegetation shall be allowed to grow to a height so as to penetrate any referenced surface, known as the floor, of any zone provided for in section 17-166 of this division at any point.

(b) The height restrictions, or floors, for the individual zones shall be those planes delineated as surfaces in Part 77.25, Subchapter E (Airspace), of Title 14 of the Code of Federal Regulations, as amended from time to time, or in successor federal regulations. A current copy of these standards is found in Appendix A of P.C. Ord. No. 02-11. The source of the specific geometric standards for these zones for Bridgewater Airport and New Market Airport are found in 24 Virginia Administrative Code 5-20-140, as amended from time to time, or in successor state regulation. A correct copy of these standards is found in Appendix B of P.C. Ord. No. 02-11.

(c) The administrator shall maintain in the department of community development maps for each airport designating the airport safety zones and such other information deemed necessary by the administrator for the interpretation and enforcement of this airport safety division.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-167. Use restrictions.**

Notwithstanding any other provision of this division, and within the area below the horizontal limits of any zone established by this division, no use may be made of land or water in such a manner as to:

- (1) Create electrical interference with navigational signals or radio communication between the airport and airborne aircraft;
- (2) Diminish the ability of pilots to distinguish between airport lights and other lights;
- (3) Result in glare in the eyes of pilots using the airport;
- (4) Impair visibility in the vicinity of the airport;

(5) Create the potential for bird strike hazards; or

(6) Otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-168. Nonconforming uses.**

(a) Except as provided in subsection (b) below, the regulations prescribed by this division shall not require the removal, lowering, or other change or alteration of any structure or vegetation not conforming to the regulations as of the effective date of this division, or otherwise interfere with the continuance of a nonconforming use. Nothing contained in this division shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this division, and is diligently prosecuted.

(b) Notwithstanding the provisions of subsection (a) above, the owner of any existing nonconforming structure or vegetation is hereby required to permit the installation, operation, and maintenance thereon of whatever markers and lights deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator to indicate to operators of aircraft the presence of that airport obstruction. These markers and lights shall be installed, operated, and maintained at the expense of the owner of the airport affected by such nonconforming structure, and not the owner of the nonconforming structure in question.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-169. Permits.**

(a) Except as provided in this division, no structure shall be erected or otherwise established in any zone created by this division unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which desired and shall include sufficient geometric specificity to determine whether the resulting structure would conform to the regulations prescribed in this division. No permit for a structure inconsistent with this division shall be granted unless a variance has been approved as provided in subsection (d) below.

(b) No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this division or any amendments thereto other than with relief as provided for in subsection (d) below.

(c) Whenever the administrator determines that a nonconforming structure has been abandoned or more than fifty (50) percent destroyed, physically deteriorated, or decayed, no permit shall be granted that would enable such structure to be rebuilt, reconstructed, or otherwise refurbished so as to exceed the applicable height limit or otherwise deviate from the zoning regulations contained in this division, except with the relief as provided for in subsection (d) below.

(d) Any person desiring to erect or increase the height or size of any structure not in accordance with

the regulations prescribed in this division may apply for a variance from such regulations to the county board of zoning appeals. Such application shall be properly advertised and be reviewed and considered through a public hearing in accordance with applicable zoning laws and divisions. Prior to being considered by the board of zoning appeals the application for variance shall be accompanied by a determination from the Virginia Department of Aviation as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances shall only be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this division. Additionally, no application for a variance to the requirements of this division may be considered by the board of zoning appeals unless a copy of the application has been furnished to the owner of the airport affected thereby for advice as to the aeronautical effects of the variance. If such airport owner does not respond to the application within fifteen (15) days after receipt, the board of zoning appeals may act independent of the airport owner's position to grant or deny the variance.

(e) Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this division and be reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to install, operate, and maintain, at the owner's expense, such markings and lights as may be deemed necessary by the Federal Aviation Administration, the Virginia Department of Aviation, or the administrator. If deemed proper with reasonable cause by the board of zoning appeals, this condition may be modified to require the owner of the structure in question to permit the airport owner, at his own expense, to install, operate, and maintain the necessary markings and lights.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-170. Enforcement, penalties, and appeals.**

(a) The administrator shall administer and enforce the regulations prescribed in this division. He or she shall be vested with the police power incumbent to carry out and effectuate this division, including the action of injunction, prosecution and other available means through the circuit court of the county. Applications for permits and variances shall be made to the administrator on a form published for that purpose.

(b) Each violation of this division or of any regulation, order, or ruling promulgated under this division shall constitute a misdemeanor and be punishable by a fine of no more than five hundred dollars (\$500.00). Each day on which a violation occurs shall constitute a separate offense.

(c) Any person aggrieved, or any officer, department, board, or bureau of the county affected by a decision of the administrator may appeal such decision to the board of zoning appeals.

(d) Any person aggrieved or any taxpayer adversely affected by any decision of the board of zoning appeals may appeal to the circuit court of the county.

(P.C. Ord. No. 02-11, 9-25-02)

#### **Sec. 17-171. Conflicting regulations and severability.**

Where there exists a conflict between any of the regulations or limitations prescribed in this division and any other regulations applicable to the same subject, where the conflict is with respect to the height of structures or vegetation, the use of land, or any other matter, the more stringent limitation or requirement shall govern.

Should any portion or provision of this division be held by any court to be unconstitutional or invalid, that decision shall not affect the validity of the division as a whole, or any part of the division other than the part held to be unconstitutional or invalid.

(P.C. Ord. No. 02-11, 9-25-02)

## **DIVISION 9.**

### **INTENSIVE POULTRY FACILITIES\***

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\* **Editors Note:** Ord. No. 95-13, adopted November 20, 1995, amended Div. 9 to read as set out herein. The editor has preserved the original section numbering.

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#### **Sec. 17-172. Intent.**

It is the intent of this division to provide for the continued security of Rockingham County's agricultural sector by encouraging the orderly and responsible growth of its poultry industry.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 95-13, 11-20-95)

#### **Sec. 17-173. Definitions.**

*Existing dwelling.* For the purpose of this division, either of the following shall constitute an existing dwelling:

- (a) A structure, designed for residential use, which is occupied on the date a completed application for a poultry facility permit is received by the office of the zoning administrator; or
- (b) A structure, designed for residential use, which is not occupied on the date a completed application is received, but which has been issued a certificate of occupancy or which has been occupied for any period of time within the five (5) years immediately preceding the date on which a completed application for a poultry facility permit is received by the office of the zoning administrator.

*Existing poultry facility.* (Only for the purpose of determining residential setbacks in the A-1 district under section 17-23(a) of this chapter). A poultry house which is occupied or has been occupied by a commercial poultry flock for any period of time within the five (5) years immediately preceding the date on which zoning approval is sought for a dwelling, including sites or structures which are accessories to the poultry house.

*Intensive poultry facility.* (hereafter, "poultry facility"). A poultry house (as defined in section 17-6 of this chapter) with accessory uses or structures, including feed storage bins, litter storage sites, incinerators, disposal pits or cold storage chests used for collection of dead birds.

*Parcel.* A measured portion of land separated from other portions of land by a metes and bounds description or described as a separate, discrete tract in an instrument of conveyance or devise and recorded with the clerk.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 4-91, § 1, 3-27-91; P.C. Ord. No. 95-13, 11-20-95)



**Sec. 17-174. Acreage requirements.**

- (a) The minimum parcel size on which an initial poultry facility may be placed shall be fifteen (15) acres. For each subsequent poultry house located on the subject parcel five (5) additional acres is required, provided all other requirements of this division are met. For additions to an existing poultry house on the subject parcel there must be an additional one (1) acre for each five thousand (5,000) square feet or part thereof of such addition, provided that all other requirements of this division are met.
- (b) Parcels with poultry facilities in operation as of July 13, 1988 which do not have sufficient acreage, as required above, may be improved by construction of additional poultry housing provided that:
  - (1) The total number of poultry houses in operation on the parcel shall not exceed three (3);
  - (2) The producer obtains the notarized consent of all adjacent landowners. Consent shall be evidenced by a notarized affidavit specifying the number, size and location of facilities as agreed upon by the producer and adjacent landowners;
  - (3) When the subject parcel is adjacent to an area zoned RS-1, RR-1, MH-1 or any residential district, it shall contain at least five (5) acres for each poultry house in operation on the parcel;
  - (4) The proposed facilities meet all other requirements of this division.
- (c) No poultry facility permitted under this division shall continue in operation if, after meeting requirements for the purpose of obtaining a poultry facility permit, land is divided from the parcel on which the poultry facility is located, such that the poultry facility or the parcel no longer conforms to the requirements of this division.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 4-91, § 2, 3-27-91; P.C. Ord. No. 95-13, 11-20-95)

**Sec. 17-175. Setbacks from existing dwellings.**

- (a) Each poultry facility shall be set back from all existing dwellings not owned by the grower, as follows:
  - (1) From an existing dwelling in the A-1 district, three hundred (300) feet;
  - (2) From an existing dwelling in the A-2 district, six hundred (600) feet;
- (b) Setbacks from existing dwellings may be reduced by the mutual consent of the producer and adjacent landowner. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the existing dwelling and the poultry facility. The notarized affidavit shall be presented to the zoning administrator at the time the producer applies for a poultry facility permit.

- (c) In the event that a residence is constructed on property adjoining an existing poultry operation or on property for which valid permits for poultry house(s) have been obtained; or in the event of annexation or a county rezoning which makes the poultry operation nonconforming, additional poultry houses may be constructed in association with the poultry operation provided no new poultry house(s) will encroach upon the adjoining residence, town, or city boundary or zoning district to a greater extent than the existing poultry house(s) and provided that all other requirements of this chapter are met.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 5-91, § 2, 3-27-91; P.C. Ord. No. 94-16, 9-28-94; P.C. Ord. No. 95-13, 11-20-95)

#### **Sec. 17-176. Setbacks from property lines and public roads.**

- (a) The setback for poultry facilities from property lines and public roadways shall be at least one hundred fifty (150) feet.
- (b) The setback from property lines may be reduced by mutual consent of the producer and landowners whose property lines fall within the one hundred fifty (150) foot setback distance. In no case, however, shall such setback from property lines be less than seventy-five (75) feet. Consent shall be evidenced by a notarized affidavit stating the agreed-upon distance between the property line and the poultry facility. The notarized affidavit shall be presented to the zoning administrator at the time the producer applies for a poultry facility permit. The setback from public roadways shall not be subject to reduction.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 95-13, 11-20-95)

#### **Sec. 17-176.1. Other setbacks.**

All poultry facilities shall be set back at least one thousand (1,000) feet from incorporated towns and city boundaries and from public wells, springs and water intakes; and at least six hundred (600) feet from designated growth areas; residentially zoned districts; RS-1 districts; manufactured home parks; manufactured home subdivisions; public schools; county, town and community recreation areas; RR-1 districts. These setbacks shall not be subject to reduction.

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 5-91, § 1, 3-27-91; P.C. Ord. No. 95-13, 11-20-95)

#### **Sec. 17-176.2. Replacement and reconfiguration of poultry facilities.**

Replacement or reconfiguration of a poultry facility in operation as of July 13, 1988, but which does not meet the requirements of this division, may be permitted on a parcel provided that:

- (1) The square footage of any replacement poultry facility shall be no greater than one hundred fifteen (115) percent of the square footage of the poultry facility it replaces;
- (2) The replacement poultry facility does not encroach upon any setback required under this division to a greater extent than the poultry facility it replaces unless permitted by sections 17-175 or 17-176;

- (3) The replaced poultry facility shall be located in substantially the same location as the facility being replaced unless notarized consent is obtained from the adjoining landowner(s) affected by the new location.
- (4) A nutrient management plan is obtained as provided for in section 17-178;
- (5) A plat prepared and signed by a land surveyor or professional engineer licensed by the commonwealth showing the location, size, and setback from property lines and dwellings on adjoining parcels of both the poultry facility being replaced and the poultry facility being constructed shall be submitted to the community development department.

(P.C. Ord. No. 4-89, 5-10-89; P.C. Ord. No. 95-13, 11-20-95; P.C. Ord. No. 03-03, 6-25-03)

### **Sec. 17-176.3. Certified plat required.**

Each application for a poultry facility shall be accompanied by a plat prepared and signed by a land surveyor or professional engineer licensed by the Commonwealth of Virginia certifying that the proposed poultry facility meets all applicable setback requirements of this ordinance (Division 9).

(P.C. Ord. No. 4-91, § 3, 3-27-91; P.C. Ord. No. 95-13, 11-20-95)

### **Sec. 17-177. Poultry development plans.**

- (a) In the A-1 and A-2 districts, a producer or a potential producer may file with the zoning administrator a development plan which indicates the number, size and location of poultry facilities planned for the subject parcel. When a poultry development plan has been approved and filed with the zoning administrator and during the period in which it remains in effect, the planned poultry facilities shall be obliged to meet setbacks only from those dwellings existing at the time the poultry development plan is approved.
- (b) The poultry development plan shall be based on the requirements of this division and shall be accompanied by a plat prepared and signed by a land surveyor certified by the Commonwealth of Virginia verifying the accuracy of the distances shown in the poultry development plan.
- (c) The poultry development plan shall remain in force only so long as the poultry facilities proposed are constructed in accordance with the poultry development plan and are placed in service in a timely manner.
- (d) At least one (1) poultry facility indicated in the poultry development plan must be placed into service within twelve (12) months of the date on which the poultry development plan is approved by the zoning administrator, unless at least one (1) such poultry facility is already in service on the subject parcel at the time the poultry development plan is filed. Zoning approval for any subsequent poultry facility indicated in the poultry development plan may only be obtained if no more than five (5) years have passed since the date on which either:
  - (1) A poultry development plan was approved for a parcel with at least one (1) poultry facility already in service at the time of approval; or

- (2) Zoning approval was obtained for a poultry facility which has been placed into service under the approved poultry development plan for the subject parcel.
- (e) The producer shall notify the zoning administrator, in writing, within thirty (30) days of the placement into service of any poultry facility indicated in his poultry development plan.
- (f) In the event a producer fails to build a poultry facility indicated in the poultry development plan within twelve (12) months of obtaining zoning approval for the poultry facility, or fails to obtain zoning approval for any of the poultry facilities indicated in his poultry development plan within the prescribed five-year period, the zoning administrator shall revoke the poultry development plan, and all future development of poultry facilities on the subject parcel shall strictly conform to the requirements of this division.
- (g) While reduction of setbacks cannot be incorporated into the poultry development plan, modification in the location and size of each poultry facility indicated in the poultry development plan may be made at the time permits are obtained for each poultry facility, provided that landowners, whose properties lie within any setback established under this division, give their consent to the modifications proposed by the producer. Consent shall be evidenced by a notarized affidavit stating the specifics of the agreed-upon modification. The notarized affidavit shall be presented to the zoning administrator at the time the producer applies for a poultry facility permit.
- (h) Each parcel for which a poultry development plan has been filed with the zoning administrator shall display at its entrance a sign no smaller than two (2) square feet or larger than four (4) square feet, clearly visible from the roadway, indicating that a poultry development plan is in effect for the parcel and containing the words: "Certified Poultry Development Site."

(P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 95-13, 11-20-95)

#### **Sec. 17-178. Nutrient management plan.**

- (a) After July 13, 1988, no poultry facility permit shall be issued until a nutrient management plan for the proposed poultry facility has been reviewed and accepted by the zoning administrator. Each poultry facility already in operation or approved by the county prior to July 13, 1988 shall have a nutrient management plan on file with the zoning administrator on or before September 30, 1994, or at such time as additional area devoted to poultry housing, litter storage, composting of dead birds or any other activity that would increase the nutrient output of the facility is placed into service on the same parcel, whichever shall occur first. After September 30, 1994, no poultry facility shall operate without such a nutrient management plan.
- (b) The nutrient management plan shall provide for the safe disposal or use of one hundred (100) percent of the animal waste produced by each poultry facility. Disposal or use shall be accomplished by means of land application at approved locations and agronomic rates, as established by the Virginia Cooperative Extension Service and other appropriate agencies. Alternative methods of disposal may be used, as approved by appropriate state and local agencies. The nutrient management plan shall take into account, among other things, the presence of rivers, streams, public and private wells, springs and sinkholes, and slopes and

geological formations that indicate a high susceptibility to ground or surface water pollution. Each nutrient management plan shall be subject to review by an agent of the Virginia Cooperative Extension Service or other appropriate agency.

- (c) If off-site disposal is part of the nutrient management plan, the producer shall provide, as part of that nutrient management plan, written documentation of an agreement with the receiver of the wastes produced at the producer's poultry facility. Documentation shall specify the duration of the agreement and the nature of the application or use of the poultry wastes. A nutrient management plan containing such an agreement shall be valid only as long as the agreement remains in force and shall be reviewed whenever such an agreement expires or is terminated by either party. The producer shall notify the zoning administrator whenever such an agreement is terminated before its stated expiration date within fifteen (15) days of such termination.

(d) (1)

The nutrient management plan shall also provide for a site, which shall be completely covered by a material impervious to water, with or without a permanent structure, which shall be used for the storage of all poultry wastes stockpiled on the property, which shall:

- a. Be located on the same parcel as the poultry house to which it is an accessory use, except as provided for in subsection 17-178(d)(2);
- b. Meet the setback requirements of this division 9, except as provided for in subsection 17-178(d)(3); and
- c. Be certified by a professional engineer registered in Virginia or by the Shenandoah Valley Water and Conservation District. Such certification shall state that the site is suitable for the storage of poultry wastes without posing a danger to water resources from runoff, leaching or washing away into surface or ground waters. Specifically, the engineer shall certify that:
  - 1. The soils and topography at the certified location are suitable for the safe storage of poultry wastes;
  - 2. In the case of storage of dry wastes, the site can be adequately covered to prevent runoff, leaching and washing away of wastes;
  - 3. The site is out of all drainage ways; and that any site located in the one hundred-year flood plain has been raised above the flood elevation level as shown on the flood insurance study for Rockingham County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 29, 1986.
  - 4. The site has sufficient capacity to accommodate one hundred (100) per cent of the waste produced by each poultry house in operation on the parcel during the four (4) consecutive months in which the maximum number of cleanouts of such poultry house may occur.

- d. On all non-poultry farms, anyone obtaining poultry litter shall have a total of twenty-one (21) days to store litter before it is utilized. However, during that time the litter pile must be completely covered by a material impervious to water and must conform to the following regulations with the burden of proof of compliance being the responsibility of the person receiving the poultry litter.
  - 1. In no case shall poultry litter be stored in a drainage way or within any waterway or flood plain in the county.
  - 2. All poultry litter shall be stored no closer than fifty (50) feet to a sinkhole and may not be stored closer than one thousand (1,000) feet to any private well.
  - 3. All poultry litter shall be set back in accordance with section 17-175 as pertaining to agricultural districts and 17-176.1 as pertaining to residential districts.
  - 4. No poultry litter broker shall be allowed to stockpile any amount of litter unless it is done on an engineer certified site.

(2) Notwithstanding section 17-178(d)(1)a.,

- a. The zoning administrator may permit a producer to locate a storage site on adjacent land owned by the producer, provided that the producer agrees in writing to notify the administrator thirty (30) days prior to any change in the ownership of the parcel containing the poultry houses in his ownership or of the adjacent land on which the storage site has been located; or,
- b. If a producer is unable to locate a site on the same parcel because of insufficient acreage or topographical hardship, and the producer has a valid agreement for off-site disposal, as provided for in subsection 17-178(c) of this division, the zoning administrator, after consultation with the producer's engineer, may permit the storage site to be located on the parcel specified in the off-site disposal agreement.

(3) Notwithstanding section 17-178(d)(1)b., a producer whose facilities were in operation prior to July 13, 1988, in attempting to comply with the requirement to provide a litter storage site before September 1, 1994, may locate a poultry waste storage site within any setback otherwise required in this division 9 upon the satisfaction of one of the following provisions:

- a. The storage site will not encroach upon setbacks to a greater extent than the existing poultry house. Setbacks established in sections 17-176(b) and 17-176.1 may also be reduced by this manner.
- b. The storage site may encroach upon any setback to a greater extent than the

producer's existing poultry house when notarized consent is obtained from affected adjacent landowners. There is no absolute minimum setback when accompanied by such consent.

- (e) The nutrient management plan shall be reviewed and updated every five (5) years by an agent of the Virginia Cooperative Extension Service or other appropriate agency and by the zoning administrator, and more frequently if deemed necessary or advisable by the county or its agent. (P.C. Ord. No. 5-88, (part), 7-13-88; P.C. Ord. No. 4-91, §§ 4, 5, 3-27-91; P.C. Ord. No. 23-92, 12-16-92; P.C. Ord. No. 94-3, 2-9-94; P.C. Ord. No. 94-5, 3-23-94; P.C. Ord. No. 94-12, 6-22-94; P.C. Ord. No. 95-13, 11-20-95; P.C. Ord. No. 98-9, 8-26-98)

#### **Sec. 17-178.1. Bird composting facility.**

A bird composting facility sized for the normal mortality of the poultry operation, certified by the producer's engineer as being located on an impermeable base and out of all drainageways, shall be exempt from the setback requirements of this division 9 when:

- (1) The composting facility will be entirely within one hundred (100) feet of the poultry house to which it will be an accessory use and the facility will not encroach upon setbacks to a greater extent than the existing poultry house; or
  - (2) The composting facility will adjoin a litter storage site approved in accordance with this division 9.
- (P.C. Ord. No. 24-92, 12-16-92; P.C. Ord. No. 95-13, 11-20-95)

**Editors Note:** Section 17-178.1 formerly related to the validity of prior permits and was derived from part of P.C. Ord. No. 5-88, adopted July 13, 1988. P.C. Ord. No. 24-92 added a new § 17-178.1, and P.C. Ord. No. 25-192 repealed the former § 17-178.1.

### **DIVISION 10.**

#### **FLOODPLAIN DEVELOPMENT**

##### **Sec. 17-179. Purpose.**

The purpose of this division is to prevent the loss of life and property, to prevent the creation of health and safety hazards, to prevent the disruption of commerce and governmental services, to prevent extraordinary and unnecessary expenditure of public funds for flood protection and relief, and to prevent the impairment of tax base by:

- (a) Regulating uses, activities and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities and frequencies;
- (b) Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
- (c) Requiring certain uses, activities and developments that occur in flood prone areas to be protected or floodproofed, or both, against flooding or flood damage;

- (d) Protecting individuals from buying lands or structures which are unsuited for intended purposes because of flood hazards.

(P.C. Ord. No. 86-15, § 1-1, 9-24-86; P.C. Ord. No. 11-88, § 1, 12-14-88)

#### **Sec. 17-180. Applicability.**

This division shall apply to all lands within the unincorporated area of Rockingham County and identified as being flood-prone as stated in this division.

(P.C. Ord. No. 86-15, § 1-2, 9-24-86)

#### **Sec. 17-181. Compliance.**

No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered without complying with this division and other applicable ordinances and regulations.

(P.C. Ord. No. 86-15, § 1-3, 9-24-86)

#### **Sec. 17-182. Abrogation.**

This division shall supersede the provisions of any other ordinance or regulation with regard to development in flood-prone areas. However, the provisions of any ordinance which are more restrictive than this division shall remain in full force and effect.

(P.C. Ord. No. 86-15, § 1-4, 9-24-86)

#### **Sec. 17-183. Definitions.**

*Development.* Any man-made change in improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

*Flood.* A general and temporary inundation of normally dry land areas.

*Floodplain.* (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) An area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

*Manufactured home.* A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis, and designed to be used with or without permanent foundation, when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. For the purposes of this division, the term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on site for more than one hundred eighty (180) consecutive days.

*Manufactured home park/subdivision, existing.* A parcel, or contiguous parcels of land divided into two (2) or more lots for rent or sale for which the construction of facilities for servicing the lot on which the



manufactured home is to be affixed, including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets, is completed before the effective date of the ordinance codified in this division.

*100-year flood.* A flood that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year). (P.C. Ord. No. 86-15, Art. II, 9-24-86; P.C. Ord. No. 11-88, § 2, 12-14-88; P.C. Ord. No. 11-92, § 1, 6-24-92)

#### **Sec. 17-184. Establishment of floodplain districts--Basis.**

The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the Flood Insurance Study for Rockingham County prepared by the Federal Emergency Management Agency, Federal Insurance Administration, dated September 29, 1986, as may be amended. (P.C. Ord. No. 86-15, § 3-1, 9-24-86)

#### **Sec. 17-185. Same--Description of districts.**

(a) *Basis of districts.*

- (1) The floodway district is delineated using the criterion that certain areas within the floodplain must be capable of carrying the waters of the 100-year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. The areas included in this district are specifically defined in table 2 of the above referenced flood insurance study and shown on the accompanying flood boundary and floodway map.
- (2) The flood-fringe district shall be that area of the 100-year flood not included in the floodway district. The basis for the outermost boundary of this district shall be the 100-year flood elevations contained in the flood profiles of the above referenced flood insurance study and as shown on the accompanying flood boundary and floodway map.
- (3) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown on the flood boundary and floodway map or on the flood insurance rate map, or both. For these areas the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used when available. In determining the necessary elevations for the purpose of this division, data from the following may be used:
  - (a) Corps of engineers--Floodplain information reports;
  - (b) Known highwater marks from past floods.
- (4) The special floodplain district shall be that floodplain area where 100-year flood profiles or elevations have been provided in the flood insurance study but where a floodway has

not been delineated on the flood boundary and floodway map. These areas are shown either on the flood boundary and floodway map or the flood insurance rate map, or both.

All building permit applications issued for any of the various floodplain districts as defined in this division, shall incorporate the following information:

- (1) For structures that have been elevated, the elevation of the lowest floor (including basement);
  - (2) For structures that have been floodproofed (nonresidential only), the elevation to which the structure has been floodproofed;
  - (3) The elevation of the 100-year flood;
  - (4) The zoning approval for the use.
- (b) *Overlay concept.*
- (1) The floodplain districts described above shall be overlays to the existing zoning districts as shown on the official zoning map, as adopted under this chapter, and as such, the applicable provisions of this division shall serve as supplemental provisions to the applicable zoning district provisions.
  - (2) In case of conflicts between the provisions of requirements of any floodplain district and those of a zoning district, the more restrictive provisions shall apply.
  - (3) In the event any provision concerning a floodplain district is declared inapplicable by any legislative or administrative action or any judicial decision, the provisions of the underlying zoning district or districts shall not be applicable.

(P.C. Ord. No. 86-15, § 3-2, 9-24-86; P.C. Ord. No. 11-92, § 2, 6-24-92)

#### **Sec. 17-186. Same--Official floodplain district map.**

The boundaries of the floodplain districts are established as shown on the flood boundary and floodway map and flood insurance rate map which shall be kept on file at the county administrative offices.

(P.C. Ord. No. 86-15, § 3-3, 9-24-86)

#### **Sec. 17-187. Same--District boundary changes.**

The delineation of any of the floodplain districts may be revised by the board of supervisors where natural or man-made changes have occurred or where more detailed studies have been conducted or undertaken by a qualified agency or an individual documents the need or possibility for such change. However, prior to any such change, approval must be obtained from the Federal Insurance Administration.

(P.C. Ord. No. 86-15, § 3-4, 9-24-86)

#### **Sec. 17-188. Same--Interpretation of district boundaries.**

Initial interpretations of the boundaries of the floodplain districts shall be made by the zoning administrator. Should a dispute arise concerning the boundaries of any of the districts, the board of zoning appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board and to submit his own technical evidence as he so desires.

(P.C. Ord. No. 86-15, § 3-5, 9-24-86)

**Sec. 17-189. District provisions.**

- (a) All uses, activities and development occurring within any floodplain district shall be undertaken only upon the issuance of zoning approval. Such development shall be undertaken only in strict compliance with the provisions of this division and with all other applicable codes and ordinances such as the Virginia Uniform Statewide Building Code and the county's subdivision regulations. Prior to the issuance of any such permit, the zoning administrator shall require all applications to include compliance with all applicable state and federal laws.
- (b) Under no circumstances shall any use, activity, or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system.
- (c) Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within the county, approval shall be obtained from the Division of Soil and Water Conservation (Department of Conservation and Historic Resources). A permit from the U.S. Corps of Engineers and the Maine Resources Commission, and certification from the State Water Control Board may be necessary. Notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notifications shall be forwarded to the Division of Soil and Water Conservation Resources, (and the Federal Insurance Administration.
- (d) Within the special floodplain area no new construction or development shall be allowed unless it is demonstrated that the cumulative effect of the proposed development, when combined with other existing and anticipated development, will not increase the elevation of the one hundred year (100) flood more than one (1) foot at any point.

(P.C. Ord. No. 86-15, Art. 4, 9-24-86; P.C. Ord. No. 11-88, § 3, 12-14-88; P.C. Ord. No. 11-92, § 3, 6-24-92)

**Sec. 17-190. Same--Floodway district.**

- (a) In the floodplain district no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and state authorities as required above.
- (b) The placement of any manufactured home, except in an existing manufactured home park or subdivision within the floodplain district is specifically prohibited.
  - (1) Permitted uses.

- (a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;
  - (b) Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, horseback riding and hiking trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet game ranges, and hunting and fishing areas;
  - (c) Accessory residential uses such as yard areas, gardens, play areas, and previous loading areas;
  - (d) Accessory industrial and commercial uses such as yard areas, previous parking and loading areas, airport landing strips, etc.
- (2) Uses permitted by special exception. The following uses and activities may be permitted by special exception provided, that they are in compliance with the provisions of the underlying district and are not prohibited by this or any other ordinance.
- (a) Structures except for manufactured homes accessory to the uses and activities in subsection (b)(1) of this section;
  - (b) Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses;
  - (c) Water-related uses and activities such as marinas, docks, wharves, piers, etc.;
  - (d) Extraction of sand, gravel, and other materials, where no increase in level of flooding or velocity is caused thereby;
  - (e) Temporary uses such as circuses, carnivals, and similar activities;
  - (f) Storage of materials and equipment; provided, that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided, that such material and equipment is firmly anchored to prevent flotation or movement, or can be readily removed from the area within the time available after flood warning;
  - (g) Other similar uses and activities provided they cause no increase in flood heights or velocities. All uses, activities, and structural development shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances.

(P.C. Ord. No. 86-15, § 4-1, 9-24-86; P.C. Ord. No. 11-88, §§ 4, 5, 12-14-88)

**Sec. 17-191. Same--Floodway, flood-fringe, approximated floodplain and special floodplain districts.**

In the floodway, flood-fringe, approximated floodplain and special floodplain districts the development or use of land shall be permitted in accordance with the regulations of the underlying district; provided, that all such uses, activities, or development shall be undertaken in strict compliance with the floodproofing and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances. All manufactured homes to be placed or substantially improved within the floodplain district shall be placed on a permanent foundation and elevated so that the lowest floor is at or above the one hundred (100) year flood elevation. In addition, they shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(P.C. Ord. No. 86-15, § 4-2, 9-24-86; P.C. Ord. No. 11-92, § 4, 6-24-92)

#### **Sec. 17-192. Special exceptions and variances.**

(a) In passing upon applications for special exceptions and variances the board of zoning appeals shall satisfy all relevant factors and procedures specified in other sections of this chapter and the following factors:

- (1) The danger to life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development, or activity within the floodway district that will cause any increase in flood levels during the one hundred (100) year flood;
- (2) The danger that materials may be swept on to other lands or downstream to the injury of others;
- (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
- (5) The importance of the services provided by the proposed facility to the community;
- (6) The requirements of the facility for a waterfront location;
- (7) The availability of alternative locations not subject to flooding for the proposed use;
- (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;
- (10) The safety of access by ordinary and emergency vehicles to the property in time of flood;
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site;

(12) Such other factors which are relevant to the purposes of this division;

(13) No special exceptions or variance shall be granted for any development within the special floodplain district that, together with all other existing and anticipated development, would increase the one hundred (100) year flood elevation more than one (1) foot at any point.

(b) The board of zoning appeals may refer any application and accompanying documentation pertaining to any request for a special exception of variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(c) Special exceptions or variances shall be issued only after the board of zoning appeals has determined that the granting of such will not result in (1) unacceptable or prohibited increases in flood heights, (2) additional threats to public safety, (3) extraordinary public expense, and will not (4) create nuisances, (5) cause fraud or victimization of the public, or (6) conflict with local laws or ordinances.

(d) Special exceptions or variances shall be issued only after the board of zoning appeals has determined that the special exception or variance will be the minimum required to provide relief from any hardship to the applicant.

(e) The board of zoning appeals shall notify the applicant for a special exception or variance, in writing, that the issuance of a special exception or variance to construct a structure below the one hundred (100) year flood elevation (1) increases the risk to life and property, and (2) will result in increased premium rates for flood insurance.

(f) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the variances. Any variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administrator.

(P.C. Ord. No. 86-15, Art. 4, 9-24-86; P.C. Ord. No. 11-92, § 5, 6-24-92)

### **Sec. 17-193. Existing structures in floodplain districts.**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

(a) Existing structures or uses located in the floodway district shall not be expanded or enlarged unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

(b) Any modification, alteration, repair, reconstruction, or improvement of any kind to a structure or use, or both, located in any floodplain district to an extent or amount of less than fifty (50) percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

(c) The modification, alteration, repair, reconstruction, or improvement of any kind to a structure or

use, or both, regardless of its location in a floodplain district, to an extent or amount of fifty (50) percent or more of its market value shall be considered substantial improvement and shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code.

- (d) Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.
- (e) No expansion or enlargement of an existing structure or use shall be allowed in the special floodplain district that, together with all other existing and anticipated development, would increase the one hundred (100) year flood elevation more than one (1) foot at any point.

(P.C. Ord. No. 86-15, Art. 6, 9-24-86; P.C. Ord. No. 11-92, §§ 6, 7, 6-24-92)

#### **Sec. 17-194. Flood hazard mitigation.**

Within the floodway, the flood-fringe, the approximated floodplain or the special floodplain districts, the following additional provisions shall be met:

- (a) All electric water heaters, electric furnaces and other critical electrical installations shall be permitted only at elevation at or above the level of the one hundred (100) year flood.
- (b) Water supply systems, sanitary sewage systems, and gas and oil supply systems shall be designed to preclude infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (c) Adequate drainage shall be provided to minimize exposure to flood heights.
- (d) The preliminary plat requirements shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated floodplain district, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the floodplain district, proposed lots and sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

(P.C. Ord. No. 86-15, Art. 7, 9-24-86; P.C. Ord. No. 11-92, § 8, 6-24-92)

#### **Sec. 17-195. Severability of provisions.**

If any section, subsection, paragraph, sentence, clause, or phrase of this division shall be declared invalid for any reason whatever, such decision shall not affect the remaining portions of this division. The remaining portions shall remain in full force and effect, and for this purpose the provisions of this division are hereby declared to be severable.

(P.C. Ord. No. 86-15, § 8-1, 9-24-86)

#### **Sec. 17-196. Liability.**

(a) The degree of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge

openings restricted by debris. This ordinance does not imply that areas outside the floodplain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

(b) This division shall not create liability on the part of the county or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(P.C. Ord. No. 86-15, § 8-2, 9-24-86)

#### **Sec. 17-197. Penalties for violation.**

Any person who shall violate a provision of this division or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the zoning administrator, or of a permit or certificate issued under the provisions of this division, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000.00). Each day that a violation continues shall be deemed a separate offense. The imposition of the penalties prescribed in this section shall not preclude the department of law enforcement of the county from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure in or about any premises.

(P.C. Ord. No. 86-15, Art. 9, 9-24-86)

### **ARTICLE VIII.**

#### **ADMINISTRATION**

#### **Sec. 17-198. General provisions.**

This chapter shall be administered in accordance with the provisions below. 1

(P.C. Ord. No. 84-5, Art. 8, 10-10-84)

#### **Sec. 17-199. Zoning administrator.**

*Appointment.* This chapter shall be enforced by the zoning administrator, who shall be appointed in accordance with article 1.1 of section III of the personnel management system for the county.

(P.C. Ord. No. 84-5, § 801.01, 10-10-84)

#### **Sec. 17-200. Same--Powers and duties related to zoning.**

The zoning administrator is authorized and empowered on behalf of and in name of the board of supervisors to administer and enforce the provisions set forth herein to include receiving applications, inspecting premises, and issuing certificates of occupancy for structures which are in conformance with the provisions of this chapter. The zoning administrator shall have all necessary authority on behalf of the board of supervisors to administer and enforce this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, and the bringing of legal action, including injunction, abatement or other appropriate action of proceeding to insure compliance with this chapter. The zoning administrator is vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions



attached to a rezoning, an amendment to a zoning map, or a special use permit in the same manner as described above for any violation of this chapter. The zoning administrator is further vested with all necessary authority on behalf of the board of supervisors to require a guarantee, satisfactory to the board, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions of a rezoning, amendment to zoning map or special use permit, or a contract for the construction of the improvements and the contractor's guarantee in like amount and so condition, which guarantee shall be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed. Failure to meet all conditions shall constitute cause for the county to deny the issuance of any of the required use, occupancy, or building permits as may be appropriate.  
(P.C. Ord. No. 84-5, § 801.02, 10-10-84; P.C. Ord. No. 04-02, 1-28-04)

#### **Sec. 17-201. Same--Chapter compliance.**

All departments, officials, and public employees of the county who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this chapter.  
(P.C. Ord. No. 84-5, § 801.03, 10-10-84)

#### **Sec. 17-202. Same--Administration process.**

Figure 17-202 outlines the administrative process to be followed under various provisions of this chapter.  
(P.C. Ord. No. 84-5, § 801.04, 10-10-84)

GRAPHIC UNAVAILABLE: Figure 17-202, Administration Process

#### **Sec. 17-203. Permit procedures--General.**

Buildings or structures shall be started, reconstructed, enlarged, or altered only after zoning approval has been obtained from the zoning administrator:

- (a) A manufactured home shall be placed only after a manufactured home placement permit has been obtained from the zoning administrator.
- (b) A building permit or manufactured home placement permit shall not be issued until written authorization by the health department has been received by the building official; provided that no such authorization is necessary for structures which do not require sewage facilities.
- (c) When a nonconforming use is renewed or changed, zoning approval shall be obtained prior to the enactment of such renewed or changed use, unless such use required a special use permit.

(P.C. Ord. No. 84-5, § 802.01, 10-10-84)

#### **Sec. 17-204. Permit procedures--Real estate taxes.**

Prior to the initiation of an application for a special exception, special use permit, variance, rezoning or other land use permit, or prior to the issuance of final approval, the applicant shall produce satisfactory evidence

that any delinquent real estates taxes owed to the county which have been properly assessed against the subject real estate have been paid.

(P.C. Ord. No. 97-4, 4-23-97)

**Sec. 17-205. Same--Sketch plan requirements for building or manufactured home placement permits.**

For permitted uses, other than those uses when permitted in the R-4 and R-5 zoning districts, and those uses subject to section 17-206, an application for zoning approval shall be accompanied by a copy of an acceptable sketch plan with such reasonable information shown thereon if required by the department of community development.

Such a sketch plan shall include, as a minimum, the following: size and shape of the parcel of land on which the proposed building or use or both is to be located; the use of the proposed building or land or both; size of the existing and proposed buildings or uses or both; distance of the proposed building or use, or both from all property lines of such parcel of land and to the right-of-way of any street or highway adjoining such parcel of land; and the name of the adjoining street or the number of the adjoining highway. Any other information which the department of community development may deem necessary for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter, approval shall be granted to the applicant by the department of community development.

(P.C. Ord. No. 84-5, § 802.03, 10-10-84; amended for recodification, 1987; P.C. Ord. No. 00-14, 11-15-00)

**Sec. 17-206. Same--Site plan review.**

(a) *Purposes.* The purposes of this section are:

(1) Generally, to promote the health, safety, and general welfare of the county. It is the intent of this local ordinance to ensure the optimum overall conservation, protection, preservation, development and use of the natural and cultural resources of the county through review and approval of site plans. This section seeks to produce an understandable process that is consistently fair, predictable and timely; and

(2) Specifically, to:

- a. To specify the districts and types of development or land use for which submission of a site plan shall be required; and
- b. To prescribe the requirements for the preparation and submission of a site plan, and for the review and approval of such site plan.

(b) *Applicability.* Before any building permit may be issued, a site plan meeting all the requirements of this section shall be submitted and approved by department of community development.

(c) *Required review.*

(1) Site plan review is required for all new uses, except for:

- a. Single-family residential, duplex and manufactured homes on individual lots including accessory uses.
- b. Temporary modular classrooms used by public schools for no longer than (2) two years.
- c. Tents used for one (1) month or less at an approved site and which do not alter or impede required parking.
- d. Storage buildings of less than five hundred eighty (580) square feet.
- e. Recreational amenities, such as gazebos, benches, playground equipment, picnic shelters and the like, at approved sites which do not exceed two thousand five hundred (2,500) square feet of disturbed area, provided that prior approval is received by the department of community development.
- f. Exemption from the site plan process does not exempt the applicant from any requirements which may be enforced by other agencies or from zoning, subdivision, and building code requirements.

(2) Uses requiring site plan review:

- a. Uses of a commercial or public nature defined as:
  - 1. Commercial means uses pertaining to trade, buying or selling of goods and/or services.
  - 2. Public means uses open to all people or a select group or organization requiring membership.
- b. The following uses, including but not limited to, shall require site plan review:
  - 1. Nursery operations;
  - 2. Fish hatchery;
  - 3. Hunting or fishing club;
  - 4. Residential human care facility, assisted living facility, home for adults, group home or nursing home;
  - 5. Child care center, family day care center, community center;
  - 6. Wayside stand;
  - 7. Church or house of worship;

8. Park, pond, lake, pedestrian trail, walkway, bikeway, playground, or bridle path open to the public;
9. Public utilities;
10. Cemetery;
11. Commercial greenhouse;
12. Police, fire or rescue station;
13. Church camp or retreat;
14. Campground;
15. School, public or private;
16. Governmental administrative or service building;
17. Golf course;
18. Bakery;
19. Beauty or barber shop;

- (3) Existing uses and structures. This section does not apply to uses and structures that are lawfully in existence as of the date the ordinance from which this section derives becomes effective. Any use that would otherwise be subject to this section, which has been discontinued for a period of one (1) year or more, shall be subject to review pursuant to the terms of this section before such use is resumed. Any use or structure shall be considered to be in existence provided such use or structure has started construction prior to the effective date of the ordinance from which this section derives and is fully constructed and completed within one (1) year after the effective date of the ordinance from which this section derives.

(d) *Site plan review requirements.* Uses which do not qualify as a minor site plan shall require a site plan prepared and sealed by an engineer, architect, or land surveyor, licensed by the commonwealth to practice as such. Nine (9) copies of the site plan shall be drawn to scale and submitted by the applicant to the department of community development and contain, at a minimum, the following:

- (1) Vicinity map showing the location of the tract or lot showing roads, route numbers, road names, streams, and bodies of water, towns or cities, or other landmarks sufficient to clearly identify the location of the property;
- (2) Project name, landowner, owner's agent (if applicable) and contact telephone number, address and seal of licensed engineer, architect or land surveyor (if applicable);

- (3) A narrative description of the specific use on site, sufficient to determine if the proposed use is permitted by the zoning district;
- (4) Tax map number, address of the site, zoning, scale of drawing and north arrow;
- (5) A boundary survey of the tract or lot,
- (6) Existing and proposed buildings, outside display and storage areas on subject property, showing the location, dimensions, including structure height, statewide uniform building code use group, number of floors, proposed floor plan and area, distances to property lines from buildings, and building restriction and setback lines;
- (7) All existing and proposed streets, including names, numbers and widths,
- (8) All on-site easements, including those for utilities and storm drainage, if applicable;
- (9) Utilities, including type, grades, (may be on separate sheet), dimensions (may be on separate sheet), pipe sizes (may be on separate sheet), and authorization to connect to existing public water and sewer systems or install private water and sewer systems;
- (10) Location of existing and proposed fire hydrants within one thousand (1,000) feet of site, location of fire lanes, ISO needed fire flow calculations and any other requirements of the fire marshal;
- (11) Ownership, zoning, and use of all adjoining property;
- (12) Existing and proposed off-street parking, including: parking calculations showing how the numbers were generated, dimensions of each parking space, design, dimensions of the parking lot or area, loading spaces, handicap parking and type of surfacing;
- (13) Location, design, sight distance, and dimensions of all vehicular entrances and exits to the site;
- (14) Provisions for adequate disposition of natural and storm water (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures;
- (15) Proposed erosion and sediment control measures (may be on separate sheet) as required by local or state code, indicating all proposed temporary and permanent control measures;
- (16) Show the flood zone classification and flood plain boundaries from the flood insurance rate maps of the federal emergency management agency on site or as determined by a site survey;
- (17) Provision for adequate screening for uses not conducted within a completely enclosed structure, areas of storage of any materials or any screening as required by the Rockingham County Code.
- (18) Provision for landscaping. The landscaping plans and execution must take into consideration traffic hazards. Existing mature tree growth and natural landforms on the site shall be preserved

to the maximum extent possible and shall be shown on the plan. All landscaping shall be indicated and installed as required by the zoning ordinance, and shall be maintained by the property owner or occupant;

- (19) General location of solid waste and recycling storage containers. Proposed location of facility lighting, to include light poles with height and a narrative statement verifying that the lighting structures meet the requirements of the ordinance.
  - (20) If the site is permitted by special use permit, rezoning, special permit or variance, the permit number and conditions shall be included if applicable. Prior to final site plan approval, issuance of a building permit, or issuance of a certificate of occupancy, the county may require a bond with surety in an amount sufficient to cover estimated costs of such improvements which may result from conditions placed by any of the aforementioned permits or a rezoning.
  - (21) Other information needed to process the site plan application may be requested.
- (e) *Review process.*
- (1) The department of community development is charged with the implementation of a review process policy meeting the goals of site plan review mentioned above in subsection (a).
  - (2) The department of community development may forward the site plan to other agencies and departments as needed.
  - (3) There shall be no clearing or grading of any site without issuance of a permit based on a grading and/or erosion and sediment control plan approved by the department of community development.
  - (4) Such plans must comply as follows: the plans must meet certain rules and regulations of the state health department; plans and specifications for construction shall comply with the standards of the state department of transportation, unless otherwise approved by that department; the plans must follow the Best Management Practice Handbook; and plans must meet all applicable policies, ordinances, and plans of the county.
  - (5) Sites which do not qualify as minor site plans will require that the developer and engineer attend a preliminary site plan meeting as designated by the department of community development.
  - (6) No building permit or certificate of occupancy will be issued until all provisions of the approved site plan are met to the satisfaction of the department of community development.

(f) *Approval.* The determination of whether a site plan meets the requirements of this section shall be made by the department of community development. Approval of a site plan shall be null and void if the construction of the proposed development is not initiated within one (1) year of the date of approval. Upon written request of applicant, a one (1) time, one (1) year extension may be approved by the department of community development. If there is no construction within two (2) years of the date of approval, nine (9) copies of a new site plan shall be resubmitted to the department of community development for review as set forth in

this section 17-206.

(P.C. Ord. No. 84-5, § 802.04, 10-10-84; P.C. Ord. No. 86-13, 9-10-86; P.C. Ord. No. 00-14, 11-15-00; P.C. Ord. No. 04-12, 9-22-04)

**Sec. 17-207. Same--Requirements for special use permits.**

(a) The applicant shall make application for the special use permit to the zoning administrator on the form provided for the purpose, giving all information required by such form, including state department of transportation (VDOT) and health department approval as well as such other information which the zoning administrator may deem necessary for consideration of the project for which a permit is desired.

(b) The application shall be accompanied by a drawing showing:

- (1) The size, dimensions, and shape of the parcel of land on which the proposed building or use is to be located;
- (2) The nature and dimensions of the proposed buildings and area of land to be used;
- (3) The location of such buildings and area with respect to all existing buildings, to any public highways adjoining the parcel of land and the uses of lands surrounding the proposed building and area for which a permit is requested;
- (4) Location and number of proposed off-street parking spaces;
- (5) Any planned screening, buffering and landscaping;
- (6) The location and dimensions of any signs associated with the proposal.

(c) Prior to the submission of an application to the county, the applicant shall have VDOT review the request to determine if sight distance and other safety factors are in accordance with the current VDOT standards. If the existing or proposed entrance is deemed unsafe or if it does not meet VDOT standards, the application shall not be submitted to the county.

(d) Prior to the submission of any application to the county, the health department or locality providing sewage disposal shall determine that an acceptable sewage disposal system can be provided for the property. If it is determined that an acceptable sewage disposal system cannot be provided, a special use permit application shall not be submitted. If public sewer will serve the property, the applicant shall submit evidence of approval of such service by the locality providing such public sewage disposal prior to submitting the special use permit application.

(e) The zoning administrator shall fix a reasonable time for the hearing by the board of supervisors of the application for the special use permit, shall give reasonable notice thereof by publication at least once in a newspaper of general circulation to the county, and shall give due notice to the applicant and adjacent landowners, who shall be identified by the applicant.

(f) Each special use permit application shall be accompanied by payment of a fee to help defray

costs.

(g) Applications for special use permits may be referred by the board of supervisors to the planning commission for its investigation and report as to the manner in which the proposed location and character of the use will affect the comprehensive plan or the intention of this ordinance when, in the discretion of the board of supervisors, additional information or guidance is necessary. The planning commission shall have sixty (60) days from and after the submission to it of an application within which to make its recommendations to the board of supervisors. If the commission fails to submit a report within sixty-day period, it shall be deemed to have approved the proposed special use.

(h) The board of supervisors may require the applicant to furnish a performance bond in an amount sufficient for and conditioned upon the fulfilling of any and all conditions and requirements stipulated by the board of supervisors. If the board of supervisors approves the application for a special use permit for a proposed special use, the zoning administrator shall issue a special use permit, indicating the nature of the use and any conditions.

(i) Reserved.

(j) No application for a special use permit shall be considered by the board of supervisors within one (1) year from the date that an application for the same or substantially the same use on the same parcel of land was denied. This provision, however, shall not impair the right of the board of supervisors to propose a special use permit on its own motion.

(k) Operation of the building or use shall be commenced within two (2) years after the date the permit is issued, unless otherwise provided in the permit itself. If not commenced within two (2) years after the date is issued, the permit shall become void and reapplication shall be required.

(l) Conditions. The applicant for a special use permit may offer particular conditions related to the proposed use which can be adopted by the board of supervisors to accompany the application. The board of supervisors may also impose conditions consistent with the intent and purposes of this chapter, and in conformity with the standards set forth for the appropriate district, and with any standards within the district. No certificate of occupancy will be issued until all conditions placed upon the special use permit, whether by the applicant or the board of supervisors, are met to the satisfaction of zoning administrator. Such conditions will be designed inter alia to:

- (1) Abate or restrict noise, smoke, dust, or other elements that may affect surrounding property;
- (2) Establish setback, side and front yard requirements necessary for orderly expansion, and to prevent traffic congestion (exceeding the minimum);
- (3) Provide for adequate parking and ingress and egress to public streets and roads;
- (4) Provide adjoining property with a buffer or shelf from view of the proposed use if such use is considered to be detrimental to adjoining property;
- (5) Prevent such use from substantially changing the character and established pattern of



development of the community;

- (6) Establish hours of operation of a business use if such action is deemed necessary to prevent or limit particular noise, traffic or other objectionable effects.

(m) Revocation of permit. If the board of supervisors determines that there has not been compliance with the terms and conditions of a special use permit granted by the board, it may revoke the special use permit. No special use permit may be revoked except after public notice and hearing as provided by Virginia Code §15.2-2204 or its successor statute. When giving required notice to the owners, their agents or occupants of abutting property and property immediately across the street or road from the property affected, the notice may be by first-class mail rather than registered or certified mail. Following revocation of the permit, the zoning administrator shall notify the applicants by certified mail instructing them to cease operation and remove the use from the property within thirty (30) days to avoid legal action.

(n) Termination of use. An approved special use permit which has been put into use in accordance with the provisions of this section shall become void if the use ceases activity for more than two (2) years, unless approval of the permit specifically provides otherwise.

(P.C. Ord. No. 84-5, § 802.05, 10-10-84; P.C. Ord. No. 86-14, 9-10-86; P.C. Ord. No. 6-88, (part), 7-13-88; P.C. Ord. No. 10-90, 8-22-90; P.C. Ord. No. 04-01, 1-28-04; P.C. Ord. No. 05-14, 12-14-05)

#### **Sec. 17-208. Same--Uses not provided for.**

If, in a district established under this chapter, a use is not specifically permitted or by special use, and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall report and recommend to the board of supervisors within sixty (60) days. Both the planning commission and the board of supervisors shall hold a public hearing after advertising as required by the Code of Virginia, 1950, as amended, which may be joint public hearing. Upon approval of the amendment by the board of supervisors, the chapter shall be amended to list the use as either a permitted use by right or a use requiring a special use permit in that district, henceforth.

(P.C. Ord. No. 84-5, § 802.07, 10-10-84)

#### **Sec. 17-209. Amendments to chapter or map.**

The board of supervisors may, from time to time, amend these regulations or district maps whenever the public necessity, convenience, general welfare, and good zoning practice require.

- (a) Application for amendments may be initiated by resolution of the board of supervisors or by motion of the commission or petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefore, of the property which is the subject of the proposed zoning map amendment, and shall be submitted in writing to the zoning administrator and shall be accompanied by six (6) copies of an acceptable site plan, where applicable of the proposed amendment with such reasonable information shown thereon as shall be required by the zoning administrator. Where site plans are required, they shall show, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; yard dimensions and the uses of structures, easements (private and public), water courses, fences, street names and street right-of-way lines; and such other information

regarding abutting property as directly affects the application. Applications for amendments not initiated by either the commission, or the board of supervisors shall be accompanied by payment of a fee as set forth in article IX of this chapter.

- (b) The commission shall consider the proposed amendment after notice and public hearing as required by the Code of Virginia, 1950, as amended. The commission shall then present the proposed amendment, along with site plans and explanatory materials, where applicable, to the board of supervisors with its recommendations. If the commission fails to submit its recommendations within one hundred (100) days of the first meeting of the commission after the proposed amendment has been referred to it, the commission shall be deemed to have approved the proposed amendment.
- (c) The board of supervisors shall consider the proposed amendment after notice and public hearing, as required by the Code of Virginia, 1950, as amended. The board of supervisors and the commission may hold a joint public hearing in accordance with the Code of Virginia, 1950, as amended.
- (d) Any application for an amendment may be withdrawn prior to action thereon by the board of supervisors at the discretion of the person, firm, or corporation initiated with a request, on written notice to the zoning administrator.
- (e) No request for a change in the boundaries on the zoning map shall be considered within one (1) year from the date that the same or substantially the same request was acted on by the board of supervisors.

(P.C. Ord. No. 84-5, § 802.06, 10-10-84; P.C. Ord. No. 86-2, 3-12-86; P.C. Ord. No. 11-90, 8-22-90; P.C. Ord. No. 98-5, 5-27-98)

#### **Sec. 17-210. Same--proffered conditions.**

(a) *Intent.* The intent of this section is to provide a more flexible and adaptable zoning method to cope with situations found in such zones, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned, as allowed by sections pertaining to conditional zoning, Code of Virginia, 1950, as amended.

(b) *Proffer of conditions.* An owner may voluntarily proffer (present) in writing reasonable conditions, prior to a public hearing before the board of supervisors, in addition to the regulations provided for in the zoning district or zone by this chapter, as part of the rezoning or amendment to the zoning map provided that:

- (1) The rezoning itself must give rise for the need for the conditions;
- (2) Such conditions shall have a reasonable relation to the rezoning;
- (3) Such conditions shall not include a cash contribution to the county;

- (4) Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in Section 15.1-466(f) of the Code of Virginia, 1950, as amended;
- (5) Such conditions shall not include payment for or construction of off-site improvements, except those provided for in Section 15.1-466(j) of the Code of Virginia, 1950, as amended;
- (6) No condition shall be proffered that is not related to the physical development or physical operation of the property;
- (7) All such conditions shall be in conformity with the comprehensive plan as defined in Section 15.1-466.1 of the Code of Virginia, 1950, as amended.

(c) *Force and effect of conditions.* Once proffered and accepted as part of an amendment to this chapter, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

(d) *Enforcement and guarantees.* The zoning administrator shall be vested with all necessary authority on behalf of the board of supervisors to administer and enforce conditions attached to a rezoning or amendment to a zoning map including:

- (1) The order in writing of the remedy of any noncompliance with such conditions;
- (2) The bringing of legal action to insure compliance with such conditions including injunction, abatement or other appropriate action or proceeding;
- (3) Requiring a performance guarantee, satisfactory to the board of supervisors, in an amount sufficient for and conditioned upon the construction of any physical improvements required by the conditions, or a contract for the improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee, shall be reduced or released by the zoning administrator upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part;
- (4) Failure to meet all conditions shall constitute cause to deny the issuance of any of the required use, occupancy, or building permits, as may be appropriate.

(e) *Record keeping.* The zoning map shall show by an appropriate symbol the existence of conditions attached to an zoned parcel. The zoning administrator shall keep and make available for public inspection a conditional zoning index. This index shall list all parcels rezoned under conditional zoning and the conditions agreed upon.

(f) *Change of conditions.* There shall be no amendment or variation of conditions created pursuant to the provisions of section 17-210(b) until after a public hearing before the board of supervisors advertised pursuant to the provisions of Section 15.1-431 of the Code of Virginia, 1950, as amended.

(P.C. Ord. No. 84-5, §§ 802.08, 802.09, 802.11, 10-10-84; P.C. Ord. No. 86-2, 3-12-86; amended for recodification, 1987)

**Sec. 17-211. Reserved.**

**Sec. 17-212. Same--Recourse.**

An applicant who is aggrieved by a decision of the zoning administrator in the enforcement of conditional zoning may petition the board of supervisors for a review of the decision.  
(P.C. Ord. No. 84-5, § 802.10, 10-10-84)

**Sec. 17-213. Reserved.**

**Sec. 17-214. Certificate of occupancy.**

Certificates of occupancy shall be issued by the zoning administrator and the building official in accordance with the following provisions:

- (a) *Certificate of occupancy required.* A certificate of occupancy shall be required for occupancy or use of:
  - (1) A building hereafter erected;
  - (2) A building hereafter altered so as to affect height, or the side, front, or rear yard dimensions;
  - (3) A change of type of occupancy or use of any building or premises.
- (b) *Issuance of certificate of occupancy.* The zoning administrator shall sign and issue a certificate of occupancy when such building or use is found to conform to the applicable provisions set forth herein and if the building, as finally constructed, complies with the sketch or plan submitted.
- (c) *Denial of certificate of occupancy.* A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions set forth herein.

(P.C. Ord. No. 84-5, § 803, 10-10-84)

**Sec. 17-215. Board of zoning appeals.**

The board of zoning appeals shall consist of five (5) members who are county residents and who shall be appointed by the circuit court of Rockingham County.

- (a) *Board membership.* The members of the present board of zoning appeals shall continue in office after the adoption of this chapter. The time previously served shall be counted in determining the term of office of each member.

- (b) *Terms of office.* Appointments shall be for five (5) years each. The secretary of the board of appeals shall notify the circuit court at least thirty (30) days in advance of the expiration of any term of office. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
- (c) *Public offices held.* No board members can hold any other office in the county except one can be a member of the planning commission.
- (d) *Compensation.* Members of the board shall receive such compensation as may be authorized by the board of supervisors.
- (e) *Support.* Within the limits of funds appropriated by the board of supervisors, the board of appeals may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.
- (f) *Vacancies.* Appointments for vacancies occurring otherwise than by expiration of term shall, in all cases, be for the unexpired term. A member may be removed for cause by the circuit court after a hearing is held no less than fifteen (15) days after written notice of charges are sent such member. Such notice shall be mailed certified, return receipt requested, or hand delivered.

(P.C. Ord. No. 84-5, § 804, 10-10-84)

#### **Sec. 17-216. Same--Rules of procedure.**

The board shall observe the following procedures:

- (a) Said board shall adopt rules in accordance with the provisions of this chapter and consistent with other ordinances of Rockingham County and general laws of the Commonwealth for the conduct of its affairs.
- (b) Said board shall elect a chairman and vice chairman from its own membership who shall serve annual terms.
- (c) Said board shall keep a full public record of its proceedings and shall submit a report of its activities to the board of supervisors at least once a year.
- (d) All meetings of said board shall be held in conformity with the Virginia Freedom of Information Act.
- (e) The meetings of said board shall be held at the call of the chairman and at such other times as a quorum of said board may determine.
- (f) The chairman, or in his absence the vice chairman or acting chairman, may administer oaths and compel the attendance of witnesses.
- (g) A quorum shall be at least three (3) members.

- (h) The concurring vote of three (3) members shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant of any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

(P.C. Ord. No. 84-5, § 805, 10-10-84)

**Sec. 17-217. Same--Powers and duties.**

The board of zoning appeals shall have the following duties and powers:

- (a) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administrative office in the administration or enforcement of this chapter.
- (b) To authorize upon appeal or original application in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of the provisions will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done as follows:
  - (1) When a property owner can show that his property owner can show that his property was acquired in good faith, and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter, or where by reason of exceptional topographic conditions or other extraordinary situations or conditions of such piece of property, or of the use or development of property immediately adjacent thereto the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the use of the property or where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant, provided that all variances shall be in harmony with the intended spirit and purpose of this chapter;
  - (2) No such variance shall be authorized by the board unless it finds: (a) that the strict application of the chapter would produce undue hardship; (b) that such hardship is not shared generally by the other properties in the same zoning district and the same vicinity; and (c) that the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
  - (3) No such variance shall be authorized except after notice and hearing as required by the Code of Virginia, 1950, as amended;
  - (4) No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to this chapter.

- (c) The board can hear and decide applications for interpretation of the district map where there is uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by the Code of Virginia, 1950, as amended, the board may interpret the map in such way as to carry out the intent and purpose of the chapter for the particular section or district in question. The board shall not have the power to change substantially the locations of district boundaries as established by this chapter.
- (d) All provisions of this chapter relating to the board of zoning appeals shall be strictly construed. The board, as a body of limited jurisdiction, shall act in full conformity with all provisions in this chapter and in strict compliance with all provisions in this chapter and in strict compliance with all limitations contained therein. The provisions of this chapter shall be deemed to be jurisdictional, and any action taken by the board beyond the authority and specifically conferred by the provisions of this chapter and the limitations applicable thereto shall ipso facto be of no force and effect.

(P.C. Ord. No. 84-5, § 806, 10-10-84)

#### **Sec. 17-218. Application for variances.**

Application for variances from this chapter may be made by any owner, tenant, governmental official, department, board or bureau.

- (a) *Application.* Application shall be made to the zoning administrator on the prescribed application form of that office. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the zoning administrator. Such site plan shall include, as a minimum the following: Size and shape of property including lot dimensions; location, size, and shape of proposed or existing structures; yard dimensions including the proposed or existing structures distance from the public highway or street and from adjoining property; road names and/or route numbers; and such other information regarding abutting property as directly affects the application. The application shall also be accompanied by a list of names and complete mailing addresses of the owners, their agents or the occupants of all abutting property and property immediately across the street from the property affected. The application and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board. The zoning administrator shall also transmit a copy of the application and materials to the secretary of the planning commission which may send a recommendation to the board within thirty (30) days or appear as a party to the hearing. The zoning administrator shall also transmit a copy of the application to the planning commission which may send a recommendation to the board or appear as a party to the hearing.
- (b) *Hearing and action.* The secretary shall place the matter on the docket to be acted upon by the board. No such variance shall be authorized except after notice and hearing as required by the Code of Virginia, 1950, as amended. The board shall decide the same within ninety (90) days from the date of such hearing.
- (c) *Limitation of hearings.* A property owner, or his appointed agent, shall not initiate action for a hearing before the board related to the same parcel of land more often than every twelve (12)

months without specific approval by the board.

- (d) *Withdrawal of application.* Any petition for a hearing before the board may be withdrawn prior to action thereon by said board at the discretion of the person, firm or secretary of said board.
- (e) *Fee.* Each application for a variance shall be accompanied by payment of a fee as set forth in article IX to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

(P.C. Ord. No. 84-5, § 807, 10-10-84; P.C. Ord. No. 98-5, 5-27-98)

### **Sec. 17-219. Appeal procedure.**

Request for a hearing before the board of zoning appeals for an administrative review shall observe the following procedures:

- (a) An appeal to the board may be taken by any persons aggrieved or by any officer, department, board or bureau of Rockingham County affected by any decision of the zoning administrator within thirty (30) days after the decision.
- (b) Applications for appeal shall be submitted to the zoning administrator who shall refer the application to the board; such application shall specify the grounds for appeal.
- (c) The zoning administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- (d) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.
- (e) The board shall fix a reasonable time for the hearing of appeals; the board shall consider appeals after notice and hearings as required by the Code of Virginia, 1950, as amended, and decide the same within sixty (60) days from the date of such public hearing.
- (f) In exercising the powers granted the board in section 17-127 of this chapter, the said board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or may modify an order, requirement, decision or determination appealed from and to that end shall have all powers of the zoning administrator and may issue or direct the issuance of a zoning permit.
- (g) Any application for appeal before the board may be withdrawn prior to action hereon by said board at the discretion of the person, firm, or corporation initiating such a request upon written notice to the secretary of said board.
- (h) Each application for an appeal shall be accompanied by a payment of a fee set forth in article IX



to help defray the cost of publicizing and conducting the public hearing. Upon withdrawal of an application, the fee required will be refunded provided no expenditures have been made for publicizing or conducting the public hearing at the time the notice is received.

(P.C. Ord. No. 84-5, § 808, 10-10-84)

**Sec. 17-220. Same--Petition to court.**

(a) Any person or persons jointly or severally aggrieved by any decision of the board, or any taxpayer or any officer, department, board, or bureau of Rockingham County may present to the circuit court of Rockingham County a petition specifying the grounds on which aggrieved within thirty (30) days after the filing of the decision in the office of the board.

(b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board and shall prescribe therein the time within which a return thereto must be made and served upon the aggrieved's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board, and on due cause shown, grant a restraining order.

(c) The board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof of such portion thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(d) If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and confusion of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

(e) Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from.  
(P.C. Ord. No. 84-5, § 809, 10-10-84)

**ARTICLE IX.**

**SCHEDULE OF FEES**

**Sec. 17-221. Established.**

The board of supervisors shall establish fees in order to help defray the administrative expenses of processing applications, publicizing and conducting public hearings, and performing necessary inspections.  
(P.C. Ord. No. 84-5, Art. 9, 10-10-84; P.C. Ord. No. 9-93, 8-25-93)

**Sec. 17-222, 17-223. Reserved.**

**Editors Note:** Sections 17-222, 17-223 were repealed by P.C. Ord. No. 9-93, adopted Aug. 25, 1993. The sections prescribed fees related to zoning regulations and amendments and were derived from P.C. Ord. No. 84-5, §§ 901, 902, adopted Oct. 10, 1984. See the general statement regarding fees in § 17-221.

**Sec. 17-224. Return of fees.**

No portion of any fee payment shall be returned to any applicant unless notice has been received prior to any action taken which will result in cost associated with the application.  
(P.C. Ord. No. 84-5, § 903, 10-10-84)

**ARTICLE X.**

**VIOLATION AND PENALTY**

**Sec. 17-225. Complaints regarding violations.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the cause and basis thereof, shall be filed with the zoning administrator. He shall record properly such complaint, investigate, and take action thereon provided by this chapter.  
(P.C. Ord. No. 84-5, § 1001, 10-10-84)

**Sec. 17-226. Penalties.**

(a) Any person violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be ordered by the court to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court and shall be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by the above named fine, and any such failure during any succeeding thirty-day period shall constitute a separate misdemeanor offense for each thirty-day period punishable by an additional fine of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). In addition any permits issued by the county to such person may be revoked by the county.

(b) The zoning administrator, in addition to other remedies, may institute appropriate action or proceedings, including injunction or abatement to restrain, correct, or abate such violation or to prevent any act which would constitute such a violation.  
(P.C. Ord. No. 84-5, § 1002, 10-10-84; P.C. Ord. No. 6-87, 4-22-87; P.C. Ord. No. 99-4, 3-24-99)

**ARTICLE XI.**

**AGRICULTURAL-FORESTAL DISTRICTS**

**DIVISION 1.**

**KEEZLETOWN NORTH AGRICULTURAL-FORESTAL DISTRICT**

**Sec. 17-227. Creation and renewal of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the

Keezletown North Agricultural-Forestal District (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, *mutatis mutandis*, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.  
(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

**Sec. 17-228. Description of district.**

The Keezletown North Agricultural-Forestal District shall consist of the following land:

2,028.11 acres, more or less, generally located north of the intersection of Indian Trail Road (Route 620) and Caverns Drive (Route 685), east of the intersection of Indian Trail Road (Route 717) and Minie Ball Lane (Route 718), south of the intersection of Armentrout Path (Route 722) and Airey Lane (Route 868), and west of Lairds Knob, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as 96(A)36A, 96 (A)50, 96(A)53, 96 (A)53A, 97(A)38, 97(A)41, 97 (A)46, 97 (A)47, 97 (A)54, 97(A)57, 97(A)57A, 97 (A)57A1, 97(A)61, 97(A)62, 97(A)62A, 97(A)62B, 97(A)62C, 97(A)62D, 97(A)63, 110 (A)124, 110(A)124, 110 (A)125A, 111(A)3, 111(A)13, 111(A)33, 111(A)35, 111 (A)36, 111(A)37, 111(A)42, 111(A)43, 111(A)48, 111(A)49, 111(A)49A, 111(A)49B, 111 (A)49B1, 111(A)57B, 111(A)71, 111(A)71A, 111(A)72, 111 (A)72B, 111(A)87D, 111(A)87E, 111(A)88, 111(A)90, 111(A)97, 111(A)98, 111(A)100, 111(A)100A, 111(A)101, 111(A)101C, 111 (A)101D, 111 (4)1E, 111 (4)1F, 112(A)1, 126(A)174, 126(A)177, and 126(A)177A.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

**Sec. 17-229. Conditions of district.**

The Keezletown North Agricultural-Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
  - a. Golf courses;
  - b. Golf driving ranges;
  - c. Public campgrounds; and
  - d. Auto graveyards or junkyards.
- (2) All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time

of the next scheduled district renewal.

- (4) Parcels of land, as now defined in the County real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of immediate family of the owner, shall be permitted in accordance with the Rockingham County Code.
- (6) The existing commercial transmission towers and supporting structures on Lairds Knob on parcel 112 (A) L1 may be expanded in compliance with then-current county permitting guidelines.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

#### **Sec. 17-230. Term and review of district.**

The district shall be in effect for seven (7) years, from June 23, 2005, to June 23, 2012. A review of the district, including any additions to the District, may be made by the board of supervisors as provided by, and in accordance with, § 15.2-4309 through § 15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-05, 6-22-05)

### **DIVISION 2.**

#### **KEEZLETOWN SOUTH AGRICULTURAL-FORESTAL DISTRICT**

#### **Sec. 17-231. Creation and renewal of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Keezletown South Agricultural-Forestal District (hereinafter referred to as "district") is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, *mutatis mutandis*, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-06, 6-22-05)

#### **Sec. 17-232. Description of district.**

The Keezletown South Agricultural-Forestal District shall consist of the following land:

441.36 acres, more or less, generally located north of Spotswood Trail (Route 33), east of Indian Trail Road (Route 620), south of the intersection of Indian Trail Road (Route 717) and Mountain Valley Road (Route 620), and west of Massanutten Peak, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as 126 (2)B, 126 (2)B3, 126 (2)B4, 126 (2)E, 126 (A)11, 126 (A) 14, 126 (A)103, 126 (A)107A, 126 (A)108, 126 (A) 112A, 126 (A)112, 126 (A)112B, 126 (A)150, 126 (A)171, 126 (A)172, and 127 (A)4.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-06, 6-22-05)

### **Sec. 17-233. Conditions of district.**

The Keezletown South Agricultural-Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
  - a. Golf courses;
  - b. Golf driving ranges;
  - c. Public campgrounds; and
  - d. Auto graveyards or junkyards.
- (2) All parcels included in the district must be located fully within the district; no portion of the district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a nonfamily member during the term of the district status. However, the parcel under new ownership shall remain in the district status at least until the time of the next scheduled district renewal.
- (4) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in the district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of immediate family of the owner, shall be permitted in accordance with the Rockingham County Code.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-06, 6-22-05)

### **Sec. 17-234. Term and review of district.**

The district shall be in effect for seven years, from June 23, 2005, to June 23, 2012. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, § 15.2-4309 through § 15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 98-6, 6-24-98; P.C. Ord. No. 05-06, 6-22-05)

## **DIVISION 3.**

### **OAK GROVE AGRICULTURAL-FORESTAL DISTRICT**

### **Sec. 17-235. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Oak Grove Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by § 15.2-4300 through § 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.  
(P.C. Ord. No. 00-1, 1-26-00)

**Sec. 17-236. Description of district.**

The Oak Grove Agricultural and Forestal District shall consist of the following land:

1,381 acres, more or less, generally located on the east side of John Wayland Highway (Route 42), south of Meigs Lane (Route 713), west of Valley Pike (Route 11), and north of Oakwood Drive (Route 704), which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as 107 (A) 232, 107 (A) 232B, 107 (A) 235B, 107 (A) 242B, 108 (A) 200, 123 (3) 1, 123 (3) 1A, 123 (3) 1B, 123 (3) 1C, 123 (3) 1C1, 123 (4) 1, 123 (4) 2, 123 (4) 3, 123 (A) 27, 123 (A) 28, 123 (A) 28B, 123 (A) 34, 123 (A) 36, 123 (A) 37, 123 (A) 40, 123 (A) 41, 123 (A) 42, 123 (A) 43, 123 (A) 44, 123 (A) 46, 123 (A) 46F, 123 (A) 47, 123 (A) 47B, 123 (A) 47C, 123 (A) 47D, 123 (A) 48, 123 (A) 48A, 123 (A) 49, 123 (A) 49A, 123 (A) 50, 123 (A) 86A, 123 (A) 87, 123 (A) 88, 123 (A) 88A, 123 (A) 89, 123 (A) 90, 123 (A) 91, 123 (A) 92, 123 (A) 93, 123 (A) 94, 123 (A) 96, 123 (A) 104, 123 (A) 105, 123 (A) 106, 123 (A) 107, 123 (A) 107A, 123 (A) 107C, 123 (A) 109, 123 (A) 119, 123 (A) 120, 123 (A) 121, 123 (A) 122, 123 (A) 123, 123 (A) 124, 123 (A) 125, 123 (A) 126, 123 (A) 127, 123A (1) 1, 123A (1) 4, 123A (2) 2, 123A (2) 2A, 123A (2) 4, 123A (2) 5, 123A (2) 6, and 123A (2) 7.  
(P.C. Ord. No. 00-1, 1-26-00)

**Sec. 17-237. Conditions of district.**

The Oak Grove Agricultural and Forestal District shall comply with the following conditions:

- (1) District landowners recognize that some of the land parcels included in the district may be in the Town of Dayton; or in the designated growth areas of Dayton, Bridgewater, or the county, as indicated in the comprehensive plans of both towns and of the county; or in the agreements defining annexation rights between the county and the Towns of Dayton and Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.
- (2) The Oak Grove Agricultural and Forestal District shall comply with chapter 16 (Subdivision of Land) of the County Code and with §§ 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- (3) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this Agricultural and Forestal District as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- (4) Any new non-agricultural or non-forestal uses and/or buildings, including dwellings, shall be in compliance with the following:

- a. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
- b. The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
- c. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner.

(4) Parcels of land (as now defined on the county real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.

(5) Land within the district may be subdivided by purchase or gift to immediate family members in compliance with subsection 16-9(c) of the Code. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.

(6) All included tracts shall be shown as separate parcels on the county real estate maps.  
(P.C. Ord. No. 00-1, 1-26-00)

#### **Sec. 17-238. Term and review of district.**

The district shall be in effect for ten (10) years, from January 26, 2000, to January 26, 2010. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia.  
(P.C. Ord. No. 00-1, 1-26-00)

### **DIVISION 4.**

#### **DRY RIVER AGRICULTURAL-FORESTAL DISTRICT**

#### **Sec. 17-239. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Dry River Agricultural-Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.  
(P.C. Ord. No. 00-1, 1-26-00)

#### **Sec. 17-240. Description of district.**

The Dry River Agricultural-Forestal District shall consist of the following land:

6,828 acres, more or less, generally located south of Hinton, west of John Wayland Highway (Rt. 42), east of Ottobine, and north of the Town of Bridgewater, which includes the parcels shown on Rockingham County Real Estate Maps, as of the effective date of this district, numbered as 91 (8) 1, 91 (8) 1A, 91 (8) 2, 91 (8) 3, 91 (A) 69, 91 (A) 71, 91 (A) 81, 105 (2) 1, 105 (2) 2, 105 (A) 63A, 105 (A) 82D, 105 (A) 115, 105 (A) 150, 105 (A) 150A, 105 (A) 152, 105 (A) 153, 105 (A) 154, 105 (A) 155, 105 (A) 156, 105 (A) 164, 105 (A) 165, 105 (A) 167, 105 (A) 172A, 105 (A) 172B1, 105 (A) 172C, 105 (A) 173A, 105 (A) 178A, 105 (A) 178B, 105 (A) 179, 105 (A) 180, 105 (A) 181, 105 (A) 181C, 105 (A) 183F, 106 (1) 1, 106 (1) 2, 106 (1) 2B, 106 (1) 2B1, 106 (A) 2A, 106 (A) 3, 106 (A) 4, 106 (A) 6, 106 (A) 10, 106 (A) 18, 106 (A) 21, 106 (A) 25, 106 (A) 25A, 106 (A) 27, 106 (A) 28, 106 (A) 30, 106 (A) 31, 106 (A) 32, 106 (A) 33, 106 (A) 34A, 106 (A) 35, 106 (A) 35A, 106 (A) 36, 106 (A) 45, 106 (A) 46, 106 (A) 46B, 106 (A) 47, 106 (A) 47A, 106 (A) 49, 106 (A) 49A, 106 (A) 53, 106 (A) 62B, 106 (A) 69, 106 (A) 70, 106 (A) 71, 106 (A) 73, 106 (A) 74, 106 (A) 75, 106 (A) 76, 106 (A) 80, 106 (A) 80A, 106 (A) 88, 106 (A) 92, 106 (A) 93, 106 (A) 94, 106 (A) 95, 106 (A) 96, 106 (A) 97, 106 (A) 98, 106 (A) 98A, 106 (A) 99A, 106 (A) 101, 106 (A) 101A, 106 (A) 105, 106 (A) 107, 106 (A) 108, 106 (A) 120, 106 (A) 127, 106 (A) 127B, 106 (A) 128A, 106 (A) 129, 106 (A) 129A, 106 (A) 130, 106 (A) 132, 106 (A) 132A, 106 (A) 133, 106 (A) 134, 106 (A) 140, 106 (A) 141, 106 (A) 141A, 106 (A) 142, 106 (A) 146, 106 (A) 147, 106 (A) 148, 106 (A) 149, 106 (A) 149B, 106 (A) 150A, 106 (A) 151, 106 (A) 152, 106 (A) 153, 107 (A) 86, 107 (A) 88, 107 (A) 88B, 107 (A) 89, 107 (A) 90, 107 (A) 91, 107 (A) 91, 107 (A) 92, 107 (A) 95, 107 (A) 96, 107 (A) 98, 107 (A) 100, 107 (A) 101, 107 (A) 102, 107 (A) 103, 107 (A) 104C, 107 (A) 105, 107 (A) 106, 107 (A) 107, 107 (A) 108, 107 (A) 109, 107 (A) 112, 107 (A) 116, 107 (A) 118, 107 (A) 122A1, 107 (A) 122C, 107 (A) 123A, 107 (A) 130B, 107 (A) 131, 107 (A) 133A, 107 (A) 144, 107 (A) 144B, 107 (A) 149, 107 (A) 150, 122 (4) 1, 122 (4) 1A, 122 (4) 2, 122 (4) 3A, 122 (4) 4B, 122 (4) 5, 122 (5) 1, 122 (5) 2, 122 (5) 3, 122 (A) 1, 122 (A) 1C, 122 (A) 28, 122 (A) 33, 122 (A) 34A, 122 (A) 77, 122 (A) 78, 122 (A) 80, 122 (A) 85A, 122 (A) 85B, 122 (A) 87, 122 (A) 94B, 122 (A) 94B2, 122 (A) 98, 122 (A) 107A, 122 (A) 107B, 122 (A) 109, 122 (A) 110, 122 (A) 111, 122 (A) 132, 122 (A) 133, 122 (A) 134, 122 (A) 136, 122 (A) 137, 122 (A) 142, 122 (A) 148, 122 (A) 148A, 122 (A) 149, 122 (A) 150, 123 (1) 1, 123 (1) 1B, 123 (1) 2C, 123 (A) 8, 123 (A) 8A, 123 (A) 23C1, 122 (A) 85, 122 (A) 88, 122 (A) 104, 105 (A) 122, 105 (A) 67, 105 (A) 69, 105 (A) 51, 105 (A) 70, 105 (A) 71, 105 (A) 72, 105 (A) 121, 105 (A) 114, 106 (A) 81, 106 (A) 82, 105 (A) 170, 105 (A) 175, 105 (A) 177, 105 (A) 170A, 105 (A) 120, 104 (2) 1, 105 (A) 116, 105 (A) 168A, 105 (A) 168B, 105 (A) 168, 105 (A) 173, 105 (A) 148, 105 (A) 151, 105 (A) 74, 105 (A) 65A, 105 (A) 66, 105 (A) 76, 122 (A) 81B, 105 (A) 149, 105 (A) 149A, 90 (A) 128, 90 (A) 135, 90 (A) 136, 90 (A) 137, 122 (A) 114, 106 (A) 72, 122 (A) 147A, 122 (A) 144A1, 122 (A) 145C, 122 (A) 144, 122 (A) 144A2, 122 (A) 145, 122 (A) 145A, 105 (A) 169, 105 (A) 176, 105 (A) 189B, 105 (A) 190, 105 (A) 191, 104 (A) 149A, 104 (A) 149C, 104 (A) 152, 91 (A) 214A, 106 (A) 121, 106 (A) 124, 107 (A) 2A6, 107 (A) 83, 107 (A) 85, and 107 (A) 82.

(P.C. Ord. No. 00-1, 1-26-00)

#### **Sec. 17-241. Conditions of district.**

The Dry River Agricultural-Forestal District shall comply with the following conditions:

- (1) District landowners recognize that some of the land parcels included in the district may be in the Town of Dayton; or in the designated growth areas of Dayton, Bridgewater, or the county, as indicated in the comprehensive plans of both towns and of the county; or in the agreements defining annexation rights between the county and the Towns of Dayton and Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.



- (2) The Dry River Agricultural-Forestal District shall comply with chapter 16 (Subdivision of Land) of the Code of the County and with §§ 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- (3) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this agricultural-forestal district as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.
- (4) Any new non-agricultural or non-forestal uses and/or buildings, including dwellings, shall be in compliance with the following:
  - a. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
  - b. The use shall be permitted to operate only as long as the agricultural or forestal operation continues on the property.
  - c. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner.
- (5) Parcels of land (as now defined on the Rockingham County real estate maps) within the district may be sold to a nonfamily member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (6) Land within the district may be subdivided by purchase or gift to immediate family members in compliance with subsection 16-9(c) of the County Code. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (7) All included tracts shall be shown as separate parcels on the county real estate maps.

(P.C. Ord. No. 00-1, 1-26-00)

#### **Sec. 17-242. Term and review of district.**

The district shall be in effect for ten (10) years, from January 26, 2000, to January 26, 2010. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 00-1, 1-26-00)

### **DIVISION 5.**

#### **SPRING CREEK AGRICULTURAL-FORESTAL DISTRICT**

### **Sec. 17-243. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Spring Creek Agricultural-Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by §§ 15.2-4300 through 15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 00-1, 1-26-00)

### **Sec. 17-244. Description of district.**

The Spring Creek Agricultural and Forestal District shall consist of the following land:

2,984 acres, more or less, generally located south of Ottobine, west of the Town of Bridgewater, east of Windy Cove Road (Route 755), and north of the Augusta County line, which includes the parcels shown on the county real estate maps, as of the effective date of this district, numbered as 121 (A) 38H, 104 (A) 129, 104 (A) 121, 104 (A) 126, 104 (A) 88, 105 (A) 88, 121 (A) 43A, 120 (A) 59, 121 (A) 85A, 122 (A) 4, 122 (A) 21, 122 (A) 3, 121 (A) 74, 122 (A) 11A, 121 (A) 36, 121 (A) 36A, 121 (A) 75, 121 (A) 45, 122 (A) 27, 122 (A) 29, 122 (A) 20A, 121A (1) 12, 121 (A) 2, 121 (A) 52, 121 (A) 32, 121 (A) 9, 121 (A) 24B, 121 (A) 75B, 121 (A) 15, 121 (A) 70, 120 (1) 1, 120 (1) 2, 121 (A) 1A, 121 (A) 1, 121 (A) 66A, 120 (1) 5, 120 (1) 4, 120 (1) 3, 105 (A) 103, 122 (A) 26, 122 (A) 25A, 121 (A) 61A, 121 (A) 24A, 121 (A) 24, 120 (A) 65, 121 (1) 2, 121 (1) 1, 105 (A) 113, 121 (A) 41B, 122 (A) 26A, 121 (A) 77, 121 (A) 84D, 121 (A) 84A, 104 (A) 94, 121 (A) 73, 105 (A) 189D, 105 (A) 189C, 121 (A) 71, 121 (A) 4, 121 (A) 5, 121 (A) 39A, 121 (A) 50A, 121 (A) 76, 105 (A) 91A, 121 (A) 91A, 121 (A) 54B, 105 (A) 181B, 135 (A) 18C, 121 (A) 41, 105 (A) 111B, 105 (A) 111, 135 (A) 20, 135 (A) 1, 135 (A) 2, 121 (A) 76A, and 121 (A) 96.

(P.C. Ord. No. 00-1, 1-26-00)

### **Sec. 17-245. Conditions of district.**

The Spring Creek Agricultural and Forestal District shall comply with the following conditions:

- (1) District landowners recognize that some of the land parcels included in the district may be in the designated growth areas of the Town of Bridgewater or the county, as indicated in the Comprehensive Plans of Bridgewater and of the county; or in the agreements defining annexation rights between the county and the Town of Bridgewater. Also, some parcels may be within the Harrisonburg Area Transportation Study plan area.
- (2) The Spring Creek Agricultural and Forestal District shall comply with chapter 16 (Subdivision of Land) of the County Code and with §§ 15.2-4300 through 15.2-4314 (Agricultural and Forestal Districts Act) of the Code of Virginia.
- (3) Parcels of land owned by sole owners, co-owners, partnerships, trusts, corporations, or limited liability companies shall be eligible for inclusion in this Agricultural and Forestal District as long as all owners, or their designated representatives, sign the application indicating their desire that the parcel be included in the district.

- (4) Any new non-agricultural or non-forestal uses and/or buildings, including dwellings, shall be in compliance with the following:
  - a. Construction of a dwelling shall be for: (1) persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or (2) members of the immediate family of the owner. The uses shall be located on property where there is an ongoing agricultural or forestal operation that qualifies for land use taxation.
  - b. Construction of community churches, with or without adjunctive cemeteries and/or church-related private schools shall be permitted. Land for this purpose may be transferred by gift or purchase from district landowners.
- (5) Parcels of land (as now defined on the county real estate maps) within the district may be sold to a non-family member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (6) Land within the district may be subdivided by purchase or gift to immediate family members in compliance with § 16-9(c) of the County Code. However, this subdivision shall remain in district status for at least as long as the parent parcel remains in the district.

- (7) All included tracts shall be shown as separate parcels on the county real estate maps.

(P.C. Ord. No. 00-1, 1-26-00)

#### **Sec. 17-246. Term and review of district.**

The district shall be in effect for ten (10) years, from January 26, 2000, to January 26, 2010. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, §§ 15.2-4309 through 15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 00-1, 1-26-00)

### **DIVISION 6.**

#### **WESTERN ROCKINGHAM AGRICULTURAL-FORESTAL DISTRICT**

#### **Sec. 17-247. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Western Rockingham Agricultural-Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300--15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 01-4, 3-28-01; P.C. Ord. No. 01-9, 6-27-01)

#### **Sec. 17-248. Description of district.**

The Western Rockingham Agricultural-Forestal District shall consist of the following land: six thousand eight hundred twenty-five (6,825) acres, more or less, generally bounded on the south by Rawley Pike (US 33), ranging within three hundred (300) feet of the Harrisonburg city limits in the southeast to George Washington National Forest in the northwest. In the north, the district extends to Greenmount Rd. and north of Chrisman Rd. In the east, the district extends to Fort Lynne Rd. In the west, the district extends to Whitmore Shop Rd. The following parcels shown on county real estate maps, as of the effective date of this district, are numbered as: 61(A)56, 76(3)9, 76(A)33, 76(A)37, 76(A)38A, 76(A)39, 76(A)40, 76(A)40A, 76(A)41, 76(A)43, 76(A)45, 76(A)45A, 76(A)46A, 76(A)46B, 76(A)47, 76(A)47A, 76(A)54, 76(A)57, 76(A)57B, 76(A)57D, 77(4)1, 77(A)1, 77(A)3, 77(A)3A1, 77(A)4A, 77(A)5B, 77(A)5B1, 77(A)13A, 77(A)21, 77(A)21C, 77(A)23B, 77(A)28, 77(A)29, 77(A)36, 77(A)55, 77(A)119, 77(A)119C, 77(A)128, 77(A)129, 77(A)131A, 77(A)132, 78(A)27, 91(A)4, 91(A)7, 91(A)13, 91(A)29, 91(A)39, 91(A)40, 91(A)42, 91(A)47A, 91(A)48, 91(A)48A, 91(A)48A1, 91(A)113, 91(A)114, 91(A)115, 91(A)118A, 91(A)120B, 91(A)121A, 91(A)121A1, 91(A)122, 91(A)123, 91(A)129, 91(A)131, 91(A)131A, 91(A)132, 91(A)132B, 91(A)134, 91(A)135, 91(A)139, 91(A)154A, 91(A)158, 91(A)178, 91(A)179, 91(A)184B, 91(A)193A, 91(A)194, 91(A)194A, 91(A)200, 91(A)203, 91(A)210, 91(A)211, 91(A)212, 92(2)1, 92(2)2, 92(2)4, 92(5)1, 92(5)2, 92(6)2, 92(9)3, 92(A)3B, 92(A)4, 92(A)13, 92(A)34, 92(A)43, 92(A)47, 92(A)63, 92(A)64, 92(A)70, 92(A)75A, 92(A)82, 92(A)84, 92(A)85, 92(A)113, 92(A)114, 92(A)115, 92(A)116, 92(A)117, 92(A)118, 92(A)119, 92(A)124, 92(A)125, 92(A)138, 92(A)142, 92(A)144, 92(A)144A, 92(A)144A2, 92(A)148, 92(A)149, 92(A)154, 92(A)154A, 92(A)158, 92(A)159, 92(A)160, 92(A)165, 92(A)167, 92(A)170, 92(A)171, 93(A)1, 93(A)2, 93(A)2B, 93(A)3, 93(A)4, 93(A)4B, 93(A)10, 93(A)11A5, 93(A)17, 93(A)17B, 93(A)23, 93(A)45, 93A(4)8, 93A(4)9, 93A(5)6, 93A(5)7, 93A(5)9, 93A(5)10, 93A(5)11, 93A(6)5, and 108(A)20.  
(P.C. Ord. No. 01-4, 3-28-01; P.C. Ord. No. 01-9, 6-27-01)

#### **Sec. 17-249. Conditions of district.**

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Western Rockingham Agricultural-Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
  - a. Golf courses;
  - b. Golf driving ranges;
  - c. Campgrounds;
  - d. Shooting ranges;
  - e. Auto graveyards or junkyards;
  - f. Recreational or amusement enterprises operating outside a building for profit.

- (2) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a non-family member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (4) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

(P.C. Ord. No. 01-4, 3-28-01; P.C. Ord. No. 01-9, 6-27-01)

#### **Sec. 17-250. Term and review of district.**

The district shall be in effect for ten (10) years, from March 29, 2001, to March 29, 2011. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, sections 15.2-4309--15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 01-4, 3-28-01; P.C. Ord. No. 01-9, 6-27-01)

### **DIVISION 7.**

#### **CROSS KEYS NORTH AGRICULTURAL AND FORESTAL DISTRICT**

#### **Sec. 17-251. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Cross Keys North Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300--15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 01-5, 4-25-01; P.C. Ord. No. 01-10, 6-27-01)

#### **Sec. 17-252. Description of district.**

The proposed Cross Keys North Agricultural and Forestal District (referred to subsequently as the district) is comprised of seventeen (17) parcels spanning six hundred ninety-nine (699) acres with a core area centered around Cross Keys in Rockingham County, largely southeast of Harrisonburg. The northern portion of the district lies just north of Congers Creek abutting Lake Shenandoah and stretches to the headwaters of Spring Branch just east of Cross Keys Road (Route 276) in the southern portion of the district. In the western portion of the district, an outlying parcel of the district is located west of Oak Ridge Road (Route 680) and north of Scholars Road (Route 988). The following parcels shown on county real estate maps, as of the effective date of

this district, are numbered as:

126(A)55, 139(A)27A, 139(A)69, 139(A)74, 139(A)74B, 139(A)114, 139(A)118, 139(A)119, 139(A)120B2, 139(A)120B2A, 139(A)122, 139(A)135, 139(A)148, 139(A)148F, 139A(2)C, 140(A)3, and 140(A)4.

(P.C. Ord. No. 01-5, 4-25-01; P.C. Ord. No. 01-10, 6-27-01)

#### **Sec. 17-253. Conditions of district.**

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Cross Keys North Agricultural and Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel.
- (2) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a non-family member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (4) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

(P.C. Ord. No. 01-5, 4-25-01; P.C. Ord. No. 01-10, 6-27-01)

#### **Sec. 17-254. Term and review of district.**

The district shall be in effect for seven (7) years, from April 26, 2001, to April 25, 2008. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, sections 15.2-4309--15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 01-5, 4-25-01; P.C. Ord. No. 01-10, 6-27-01)

### **DIVISION 8.**

#### **CROSS KEYS SOUTH AGRICULTURAL AND FORESTAL DISTRICT**

#### **Sec. 17-255. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Cross Keys South Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300--15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.  
(P.C. Ord. No. 01-6, 4-25-01; P.C. Ord. No. 01-11, 6-27-01)

#### **Sec. 17-256. Description of district.**

The proposed Cross Keys South Agricultural and Forestal District (referred to subsequently as the district) is comprised of sixty-three (63) parcels spanning some one thousand four hundred forty-seven (1,447) acres with a core area south of Cross Keys in Rockingham County, largely southeast of Harrisonburg. In the north, several district parcels are clustered east of Cross Keys Rd. (Route 276) near its intersection with Williams Run Rd. (Route 671). This area is very close to the southern end of Cross Keys North Agricultural-Forestal District. One slender parcel separates the two districts. In the south along Cross Keys Rd. (Route 276) the district extends to an area between Timber Ridge Rd. (Route 668) and Faughts Rd. (Route 678). The district extends more in an east-west orientation than north-south. Thus, the eastern boundary of the district is along Port Republic Rd. south of Doe Hill Rd. (Route 671). The western-most boundary of the district is the western edge of two district parcels west of Cross Keys Rd., parcel 139(A)47C and parcel 139(A)55. The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Cross Keys South District and numbered as:

139(3)1, 139(3)2, 139(3)3, 139(3)4, 139(3)6, 139(3)7, 139(3)8, 139(3)9, 139(3)12, 139(A)46, 139(A)47C, 139(A)52, 139(A)52C, 139(A)54, 139(A)55, 139(A)55A, 139(A)57, 139(A)57A, 139(A)57C, 139(A)57D, 139(A)148B, 139(A)148C, 139(A)149A, 139(A)149B, 139(A)150A, 139(A)150A1, 139(A)155, 139(A)158, 139(A)158A, 139(A)160, 139(A)160C, 139(A)161, 139(A)163, 139(A)163B, 139(A)168, 139(A)168A, 140(A)59, 140(A)59A, 140(A)62, 140(A)63, 151(5)1A, 151(5)5, 151(A)2, 151(A)5, 151(A)7, 151(A)9C, 151(A)75, 151(A)80, 151(A)82, 151(A)82A, 151(A)94, 152(A)1, 152(A)3, 152(A)4, 152(A)6, 152(A)7, 152(A)8, 152(A)9, 152(A)56, 152(A)57, 152(A)58, 152(A)58E, and 152(A)61B.

(P.C. Ord. No. 01-6, 4-25-01; P.C. Ord. No. 01-11, 6-27-01)

#### **Sec. 17-257. Conditions of district.**

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Cross Keys South Agricultural and Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel.
- (2) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a non-family member during the term of district status.

However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.

- (4) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

(P.C. Ord. No. 01-6, 4-25-01; P.C. Ord. No. 01-11, 6-27-01)

#### **Sec. 17-258. Term and review of district.**

The district shall be in effect for seven (7) years, from April 26, 2001, to April 25, 2008. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, sections 15.2-4309--15.2-4312 of the Code of Virginia.

(P.C. Ord. No. 01-6, 4-25-01; P.C. Ord. No. 01-11, 6-27-01)

### **DIVISION 9.**

#### **OTTOBINE AGRICULTURAL AND FORESTAL DISTRICT**

#### **Sec. 17-259. Creation of district.**

Pursuant to the Agricultural and Forestal Districts Act of the Commonwealth of Virginia, the Ottobine Agricultural and Forestal District (hereinafter referred to as district) is hereby created subject to the conditions and district term set forth in this division and as otherwise provided by sections 15.2-4300--15.2-4314 of the Code of Virginia, mutatis mutandis, the provisions of which, except as specifically modified herein, are adopted and incorporated herein by reference.

(P.C. Ord. No. 01-12, 7-11-01)

#### **Sec. 17-260. Description of district.**

The proposed Ottobine Agricultural and Forestal District (referred to subsequently as the district) is comprised of thirty (30) parcels spanning some one thousand six hundred forty-seven (1,647) acres with a core area west of Ottobine in the southwestern portion of Rockingham County. In relation to the other nearby agricultural-forestal districts, the district is west of Dry River, northwest of Spring Creek and southwest of Western Rockingham. The district is compact rather than sprawling, extending in the north to Wheelbarger Hollow (Layman Hollow Lane) and to Briery Branch in the south. An isolated one-acre parcel, surrounded by the Spring Creek Agricultural and Forestal district, is even farther south at the southeast junction of Briery Branch Rd. and Spring Creek Rd (Rt. 613). In the east, the district is adjacent to Ottobine Elementary School and on the west borders George Washington National Forest.

The following parcels shown on county real estate maps, as of the effective date of this district, are part of the Ottobine District and numbered as:



89(A)35A1, 103(A)173, 104(A)1, 104(A)1B, 104(A)1C, 104(A)8, 104(A)12, 104(A)13, 104(A)14, 104(A)14A, 104(A)16, 104(A)16A, 104(A)19, 104(A)20, 104(A)21, 104(A)22, 104(A)23, 104(A)24, 104(A)24A, 104(A)25, 104(A)133, 104(A)133B, 104(A)134, 104(A)136A, 104(A)136A1, 104(A)137, 104(A)145A, 104(A)146, and 104(A)127A.

(P.C. Ord. No. 01-12, 7-11-01)

#### **Sec. 17-261. Conditions of district.**

The intent of these conditions is to strengthen the existing agricultural community in order to ensure its continued economic viability. The Ottobine Agricultural and Forestal District shall comply with the following conditions:

- (1) Uses, structures, and accessory businesses shall be permitted on a parcel in compliance with the regulations that apply to the zoning of that parcel. However, the following uses shall be prohibited throughout the district:
  - a. Golf courses;
  - b. Golf driving ranges;
  - c. Campgrounds;
  - d. Shooting ranges;
  - e. Auto graveyards or junkyards;
  - f. Recreational or amusement enterprises operating outside a building for profit.
- (2) All parcels included in the district must be located fully within the district; no portion of a district parcel shall lie outside the district.
- (3) Parcels of land, as now defined in the county real estate records, within the district may be sold in their entirety but not subdivided to a non-family member during the term of district status. However, the parcel under new ownership shall remain in district status at least until the time of the next scheduled district renewal.
- (4) Parcels of land, as now defined in the county real estate records, within the district may only be subdivided by purchase or gift to immediate family members. However, this family subdivision shall remain in district status for at least as long as the parent parcel remains in the district.
- (5) Residences for persons who earn a substantial part of their livelihood from agricultural or forestal operations on the same property, or for members of the immediate family of the owner, shall be permitted in accordance with the county Code.

(P.C. Ord. No. 01-12, 7-11-01)

**Sec. 17-262. Term and review of district.**

The district shall be in effect for ten (10) years, from July 11, 2001, to July 11, 2011. A review of the district, including any additions to the district, may be made by the board of supervisors as provided by, and in accordance with, sections 15.2-4309--15.2-4312 of the Code of Virginia.  
(P.C. Ord. No. 01-12, 7-11-01)